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ABSTRACT

In these hearings consideration was given to: the Toy Safety Act of 1984, House Resolution (H.R.) 5630 (May 31, 1984); H.R. 1797, concerning steel-jaw leghold traps (August 3, 1984); and House Resolutions concerning amusement park safety (H.R. 5788, 5790, and 5982 (August 6, 1984). The Toy Safety Act of 1984 amends the Federal Hazardous Substances Act to enable the Consumer Product Safety Commission (CPSC) to quickly recall dangerous toys and other articles used by children. The Act authorizes the CPSC to give public notice about any toy posing a substantial risk to children and empowers the agency to order the toy manufacturer to repair, replace, or give a refund for the hazardous toy. Testimony concerns examples of recalled products and possible amendments to the Act. H.R. 1797 would prohibit shipment in interstate commerce of any fur taken from an animal caught in a steel-jaw leghold trap, prohibit export or import of such furs, and impose fines and prison terms for violation of the legislation. Legislation concerning amusement park safety would restore jurisdiction of the CPSC over the rides located in amusement parks. H.R. 5788, 5790, and 5982 respectively, amend the Consumer Product Safety Act to make that Act applicable to amusement devices permanently fixed to a site, to strengthen the authority of the CPSC over amusement devices, and to strengthen the authority of the CPSC over amusement parks. (RH)

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HEALTH AND THE ENVIRONMENT MISCELLANEOUS—Part 7

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON
HEALTH AND THE ENVIRONMENT

OF THE

COMMITTEE ON ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

TOY SAFETY ACT OF 1984—H.R. 5630
MAY 31, 1984

STEEL JAW LEGHOLD TRAPS—H.R. 1797
AUGUST 3, 1984

AMUSEMENT PARK SAFETY—H.R. 5788, H.R. 5790, and H.R. 5982
AUGUST 6, 1984

Serial No. 98-170

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TOY SAFETY ACT OF 1984

THURSDAY, MAY 31, 1984

House of Representatives,
Committee on Energy and Commerce,
Subcommittee on Health and the Environment,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m., in room 2322, Rayburn House Office Building, Hon. Henry A. Waxman (chairman) presiding.

Mr. **Waxman**. The meeting of the subcommittee will please come to order.

This morning the subcommittee is considering H.R. 5630, the Toy Safety Act of 1984. This legislation amends the Federal Hazardous Substances Act to enable the Consumer Product Safety Commission, CPSC, to recall quickly dangerous toys and other articles used by children. It authorizes the CPSC to give public notice about any toy that poses a substantial risk to children. In addition, it empowers the agency to order the toy manufacturer to repair, replace, or give a refund for the hazardous toy.

Currently, the CPSC can recall and order corrected a dangerously defective coffee pot faster than a deadly toy. This ironic anomaly is caused by an inconsistency in the law that requires the CPSC to promulgate a special rule before it can recall dangerous toys. Such a requirement does not apply to any other dangerous consumer product.

This additional procedure has delayed by as much as 14 months the recall of numerous dangerous toys alleged to have caused deaths and serious injuries.

It is outrageous that the law is more lax where toys are concerned. When a toy has been determined to be dangerous, the lives and safety of children should not be risked by delaying the recall. Corrective action should be taken immediately.

Greater toy safety has been overwhelmingly endorsed by the public. According to a recent Lou Harris poll, 88 percent of those surveyed wanted the CPSC to do more to assure that toys are safe. The Toy Safety Act of 1984 responds to that demand.

[The text of H.R. 5630 follows:]

I

98TH CONGRESS
2D SESSION

H. R. 5630

To amend the Federal Hazardous Substances Act to permit the notification and repair, replacement, or refund of toys that create a substantial risk of injury to children.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 1984

Mr. WAXMAN introduced the following bill; which was referred to the Committee on Energy and Commerce

---

A BILL

To amend the Federal Hazardous Substances Act to permit the notification and repair, replacement, or refund of toys that create a substantial risk of injury to children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Toy Safety Act of 1984".

SEC. 2. (a) Section 15(a) of the Federal Hazardous Substances Act (15 U.S.C. 1274(a)) is amended—

(1) by inserting "or if any toy or other article intended for use by children that (because of the pattern of the risk, the number of toys or other articles presenting the risk which were distributed in commerce,

the severity of the risk, or otherwise) creates a substantial risk of injury to children" after "(whether or not it was such at the time of its sale)";

(2) by striking out "such article or substance" and inserting in lieu thereof "such article, substance, or toy";

(3) by amending paragraphs (1) through (3) to read as follows:

"(1) To give public notice that the article or substance is a banned hazardous substance or that the toy or other article intended for use by children creates a substantial risk of injury.

"(2) To mail such notice to each person who is a manufacturer, distributor, or dealer of such an article, substance, or toy or other article that is intended for use by children.

"(3) To mail such notice to every person to whom the person giving the notice knows such article, substance, or toy or other article intended for use by children was delivered or sold."

(b) Section 15(b) of such Act is amended—

(1) by inserting "or if any toy or other article intended for use by children that (because of the pattern of the risk, the number of toys or other articles intended for use by children presenting the risk which were

distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to children" after "(whether or not it was such at the time of its sale)";

(2) by amending paragraphs (1) through (3) to read as follows:

"(1) If repairs to or changes in the article or substance may be made so that it will not be a banned hazardous substance or if repairs or changes in the toy or other article intended for use by children may be made so that it will not create a substantial risk of injury to children, to make such repairs or changes.

"(2) To replace such article or substance with a like or equivalent article or substance which is not a banned hazardous substance or to replace such toy or other article intended for use by children with a like or equivalent toy or article which does not create a substantial risk of injury to children.

"(3) To refund the purchase price of the article, substance, or toy or other article intended for use by children (less a reasonable allowance for use) if the article, substance, or toy or other article intended for use by children has been in the possession of the consumer for one year or more—

"(A) at the time of public notice under subsection (a), or

"(B) at the time the consumer receives actual notice that the article or substance is a banned hazardous substance or that the toy or other article intended for use by children creates a substantial risk of injury to children, whichever occurs first; and

(3) by striking "article or substance" in the last sentence and inserting in lieu thereof "article, substance, or toy".

(c) Section 15(c)(2) of such Act is amended by striking out "article or substance" each place it occurs and inserting in lieu thereof "article, substance, or toy".

○

Mr. **Waxman**. Our first panel of witnesses includes the Honorable Nancy Harvey Steorts, Chairman of the Consumer Product Safety Commission and Commissioners Stuart Statler, Terrence Scanlon, and Saundra Brown Armstrong.

Chairman Steorts, we want to welcome you and the other members of the Commission to our meeting this morning. We understand you have a single statement regarding H.R. 5630. We would like you to summarize for approximately 10 minutes. The full text of course will be in the record.

STATEMENT OF HON. NANCY HARVEY STEORTS, CHAIRMAN, CONSUMER PRODUCT SAFETY COMMISSION, ACCOMPANIED BY COMMISSIONERS STUART STATLER; TERRENCE SCANLON; AND SAUNDRA BROWN ARMSTRONG

Ms. **Steorts**. Thank you, Mr. Chairman. It is a pleasure to be before you.

It is indeed a pleasure for the Consumer Product Safety Commission to appear before you today to discuss H.R. 5630, the Toy Safety Act of 1984, and to review with you the legislative twist that the bill is designed to remedy.

Quite simply, children do not today have the same protection, under the law, against products intended for them and found to be hazardous, as adults have against most other unsafe products. Ironically, toys and children's products were accorded a special status by being regulated first as a risk covered in the Federal Hazardous Substances Act, FHSA, before this agency was created. But, they now are subject to a more cumbersome, impractical recall process because they are covered by an act which does not have a comprehensive recall provision.

Today, because of this second-class status for toys and children's products, it is easier for CPSC to recall products intended for adults and which present substantial risks of injury, than it is to recall hazardous toys that are unregulated.

Mr. Chairman, the bills which you and Senator Kasten announced May 9, and the House version which you have before you today, would rectify that imbalance of protection.

Under current terms of the Federal Hazardous Substances Act, the only provision for recall of a toy or children's product is after the product becomes a "banned hazardous substance." Generally, this requires the agency to publish a rule banning or regulating the product unless the Commission takes the unusual step of first declaring the product an imminent hazard, at which time the recall remedy is then available.

The rulemaking process often requires 2 or 3 years. The most expeditious process available now for recalling an unsafe toy or children's product that is not covered by an existing FHSA regulation, or is not an imminent hazard, is by transferring regulation of the risk of injury under section 30(D) of the Consumer Product Safety Act, CPSA. This regulatory transfer from FHSA to CPSA is after notice and public interest to do so. However, this process usually requires at least 6 months to complete, after which a recall proceeding under section 15 of the CPSA can be started.

In the meantime, a toy or children's product considered to be hazardous could remain in the marketplace. Yet, the recall of most products intended for use by adults does not require this lengthy transfer procedure.

Fortunately, Mr. Chairman, our negotiations with some industries have met with cooperation and quick response when evidence of substantial risks of injury from their products is at hand. Some have been more difficult to persuade. Some have used our procedural process to delay as long as possible the recall of a hazardous product.

A few examples of recalls under various circumstances are as follows. We have some of these here this morning.

One, stuffed toys with strings. In October and November 1979, the staff received reports of two strangulation deaths associated with the products. The firm was contacted and a corrective action plan was negotiated during December 1979 and January 1980. However, the recall effectiveness, especially among consumers, was very low, so in April–May 1980, additional corrective action was requested.

The company refused. In June 1980, the staff recommended a section 30(D) proposal, which was published November 17, 1980. In order to conform the 30(D) rule to the statute, as amended in August 1981, and in order to include additional products with the same risks of injury, the 30(D) rule was published March 17, 1982.

On April 19, 1982, the staff forwarded a briefing package to the Commission with a complaint recommendation. The Commission on June 16, 1982, authorized the issuance of a complaint. At that point, the company agreed to the corrective action recommendation and the Commission approved their response June 24, 1982.

Another example, squeeze toys. In 1981 and 1982, our staff learned of two suffocation deaths involving squeeze toys that had handles with bulbous ends. The importer of the toys involved agreed to recall them. We collected and examined 130 squeeze toys from several manufacturers, among which 21 were identified as being substantially hazardous.

Most of the firms are currently conducting voluntary recalls in cooperation with the Commission, but two firms refused to recall their products. A proposed 30(D) rule was published January 3, 1983, and a final rule was published January 5, 1984.

Shortly before this rule became final, both firms agreed to undertake corrective action.

Mesh-sided cribs and playpens, another example.

Enclosures, another example.

Crib headboards. Two models of cribs manufactured by one firm were involved in seven deaths. The firm agreed to recall the cribs and an extensive notification effort was conducted between 1978–80. After learning of two deaths during 1983, the firm agreed to another effort to notify the public about the hazard and the recall. If it had been necessary to go through the 30(D) procedures, the time to initiate both corrective actions by the firm and to notify the public would have been increased substantially.

We have another example with the indoor gym houses.

The Toy Safety Act of 1984 if passed, would expedite the corrective action on all such cases, except those where the industry involved responds readily and quickly. The bill would allow CPSC to use the same procedures to recall a hazardous toy that now can be used to recall other hazardous consumer products.

The procedure for recalling most consumer products, as you know, is relatively simple. Under authority of section 15 of CPSA, the Commission may, after a public hearing, require the recall of consumer products that either one, fail to comply with a consumer product safety rule, and so create a substantial risk of injury to the public, or two, contain a defect which creates a substantial risk of injury to the public.

The section 15 recall authority has been one of our most effective tools in providing protection from substantial risks of injury in the marketplace. Regulations and standards, both voluntary and Commission mandated, are effective for subsequent production. But a recall or corrective action program is often the only effective way to reach those defective products already in circulation or in the possession of consumers.

In reviewing some of the legislative background which left toys and children's products outside of the normal realm of the CPSA, it seems that this was an unintended oversight brought on by an earlier effort to give special protection for toys. The effect has been a cumbersome system which can take months, as you have already heard, and in some cases years to recall a hazardous product destined for use by children.

Mr. Chairman, no consumer is more vulnerable to the hazard of product defects than children. The Consumer Product Safety Commission has long recognized this vulnerability and has had a deep interest in the special field of toy safety. For example, during the last 3 years, this agency has worked closely with the toy manufacturers on a safety program.

Age labeling on toys is a very important way that manufacturers can make toys safer for children. A number of manufacturers and importers are already providing appropriate age labeling for their toys, particularly those intended for children 6 years old and under. The Commission hopes that toy manufacturers and importers will join in providing this important information to prevent unnecessary accidents.

Regardless of such worthy programs, however, problems do sometimes arise in children's products. When we at CPSC learn of accidents from these products, it is our job to investigate and, when necessary, to act. A major difficulty we have faced in some situations involving toys and children's products has been the complex and cumbersome process for effecting recalls or corrective action.

Delays in such matters hardly seem justified, especially when considering the type of consumer who is at risk. It is a source of great satisfaction to this Commission that the issue of toy safety is one which enjoys broad public support. This legislation should go far in enhancing one of the effective CPSC tools used in our toy safety responsibilities and should permit us to utilize more effectively our legal resources currently employed in these cumbersome 30(D) proceedings.

We support the legislation proposed by you and Senator Kasten.

Thank you, Mr. Chairman, and we will be pleased to respond to any questions.

I would like to also say that I have a personal statement which is complimenting you on your efforts and really thanking you for helping us get this cumbersome scenario now put forward and I would like to have that included in the record.

Mr. **Waxman**. Without objection, that will be included in the record.

[The Commission and personal statements of Ms. Steorts follow:]

TESTIMONY OF NANCY HARVEY STEORTS

MR. CHAIRMAN: IT IS INDEED A PLEASURE FOR THE CONSUMER PRODUCT SAFETY COMMISSION TO APPEAR BEFORE YOU TODAY TO DISCUSS H.R. 5630, THE TOY SAFETY ACT OF 1984, AND TO REVIEW WITH YOU THE LEGISLATIVE TWIST THAT THE BILL IS DESIGNED TO REMEDY.

QUITE SIMPLY, CHILDREN DO NOT TODAY HAVE THE SAME PROTECTION, UNDER THE LAW, AGAINST PRODUCTS INTENDED FOR THEM AND FOUND TO BE HAZARDOUS, AS ADULTS HAVE AGAINST MOST OTHER UNSAFE PRODUCTS. IRONICALLY, TOYS AND CHILDREN'S PRODUCTS WERE ACCORDED A SPECIAL STATUS BY BEING REGULATED FIRST AS A RISK COVERED IN THE FEDERAL HAZARDOUS SUBSTANCES ACT (FHSA) BEFORE THIS AGENCY WAS CREATED. BUT, THEY NOW ARE SUBJECT TO A MORE CUMBERSOME, IMPRACTICAL RECALL PROCESS BECAUSE THEY ARE COVERED BY AN ACT WHICH DOES NOT HAVE A COMPREHENSIVE RECALL PROVISION. TODAY, BECAUSE OF THIS SECOND-CLASS STATUS FOR TOYS AND CHILDREN'S PRODUCTS, IT IS EASIER FOR CPSC TO RECALL PRODUCTS INTENDED FOR ADULTS AND WHICH PRESENT SUBSTANTIAL RISKS OF INJURY, THAN IT IS TO RECALL HAZARDOUS TOYS THAT ARE UNREGULATED.

MR. CHAIRMAN, THE BILLS WHICH YOU AND SENATOR KASTEN ANNOUNCED MAY 9, AND THE HOUSE VERSION WHICH YOU HAVE BEFORE YOU TODAY, WOULD RECTIFY THAT IMBALANCE OF PROTECTION.

UNDER CURRENT TERMS OF THE FEDERAL HAZARDOUS SUBSTANCES ACT, THE ONLY PROVISION FOR RECALL OF A TOY OR CHILDREN'S PRODUCT IS AFTER THE PRODUCT BECOMES A "BANNED HAZARDOUS SUBSTANCE." GENERALLY, THIS REQUIRES THE AGENCY TO PUBLISH

A RULE BANNING OR REGULATING THE PRODUCT UNLESS THE COMMISSION TAKES THE UNUSUAL STEP OF FIRST DECLARING THE PRODUCT AN IMMINENT HAZARD, AT WHICH TIME THE RECALL REMEDY IS THEN AVAILABLE. THE RULEMAKING PROCESS OFTEN REQUIRES TWO OR THREE YEARS. THE MOST EXPEDITIOUS PROCESS AVAILABLE NOW FOR RECALLING AN UNSAFE TOY OR CHILDREN'S PRODUCT THAT IS NOT COVERED BY AN EXISTING FHSA REGULATION, OR IS NOT AN IMMINENT HAZARD, IS BY TRANSFERRING REGULATION OF THE RISK OF INJURY UNDER SECTION 30(D) OF THE CONSUMER PRODUCT SAFETY ACT (CPSA). THIS REGULATORY TRANSFER FROM FHSA TO CPSA IS AFTER NOTICE AND PUBLIC COMMENT AND A FINDING THAT IT IS IN THE PUBLIC INTEREST TO DO SO. HOWEVER, THIS PROCESS USUALLY REQUIRES AT LEAST SIX MONTHS TO COMPLETE, AFTER WHICH A RECALL PROCEEDING UNDER SECTION 15 OF THE CPSA CAN BE STARTED. IN THE MEANTIME, A TOY OR CHILDREN'S PRODUCT CONSIDERED TO BE HAZARDOUS COULD REMAIN IN THE MARKETPLACE. YET, THE RECALL OF MOST PRODUCTS INTENDED FOR USE BY ADULTS DOES NOT REQUIRE THIS LENGTHY TRANSFER PROCEDURE.

FORTUNATELY, MR. CHAIRMAN, OUR NEGOTIATIONS WITH SOME INDUSTRIES HAVE MET WITH COOPERATION AND QUICK RESPONSE WHEN EVIDENCE OF SUBSTANTIAL RISKS OF INJURY FROM THEIR PRODUCTS IS AT HAND. SOME HAVE BEEN MORE DIFFICULT TO PERSUADE. SOME HAVE USED OUR PROCEDURAL PROCESS TO DELAY AS LONG AS POSSIBLE THE RECALL OF A HAZARDOUS PRODUCT.

A FEW EXAMPLES OF RECALLS UNDER VARIOUS CIRCUMSTANCES ARE AS FOLLOWS:

(1) STUFFED TOYS WITH STRINGS -- IN OCTOBER AND NOVEMBER 1979, THE STAFF RECEIVED REPORTS OF TWO STRANGULATION DEATHS

ASSOCIATED WITH THE PRODUCTS. THE FIRM WAS CONTACTED AND A CORRECTIVE ACTION PLAN WAS NEGOTIATED DURING DECEMBER 1979 AND JANUARY 1980. HOWEVER, THE RECALL EFFECTIVENESS, ESPECIALLY AMONG CONSUMERS, WAS VERY LOW, SO IN APRIL-MAY 1980, ADDITIONAL CORRECTIVE ACTION WAS REQUESTED. THE COMPANY REFUSED. IN JUNE 1980, THE STAFF RECOMMENDED A SECTION 30(D) PROPOSAL, WHICH WAS PUBLISHED NOVEMBER 17, 1980. IN ORDER TO CONFORM THE 30(D) RULE TO THE STATUTE, AS AMENDED IN AUGUST 1981, AND IN ORDER TO INCLUDE ADDITIONAL PRODUCTS WITH THE SAME RISKS OF INJURY, THE 30(D) RULE WAS REPROPOSED DECEMBER 4, 1981, AND A FINAL 30(D) RULE WAS PUBLISHED MARCH 17, 1982. ON APRIL 29, 1982, THE STAFF FORWARDED A BRIEFING PACKAGE TO THE COMMISSION WITH A COMPLAINT RECOMMENDATION. THE COMMISSION, ON JUNE 16, 1982, AUTHORIZED THE ISSUANCE OF A COMPLAINT. AT THAT POINT, THE COMPANY AGREED TO THE CORRECTIVE ACTION RECOMMENDATION AND THE COMMISSION APPROVED THEIR RESPONSE JUNE 24, 1982.

(2) SQUEEZE TOYS -- IN 1981 AND 1982, OUR STAFF LEARNED OF TWO SUFFOCATION DEATHS INVOLVING SQUEEZE TOYS THAT HAD HANDLES WITH BULBOUS ENDS. THE IMPORTER OF THE TOYS INVOLVED AGREED TO RECALL THEM. WE COLLECTED AND EXAMINED 130 SQUEEZE TOYS FROM SEVERAL MANUFACTURERS, AMONG WHICH 21 WERE IDENTIFIED AS BEING SUBSTANTIALLY HAZARDOUS. MOST OF THE FIRMS ARE CURRENTLY CONDUCTING VOLUNTARY RECALLS IN COOPERATION WITH THE COMMISSION, BUT TWO FIRMS REFUSED TO RECALL THEIR PRODUCTS. A PROPOSED 30(D) RULE WAS PUBLISHED JANUARY 3, 1983, AND A FINAL RULE WAS PUBLISHED JANUARY 5, 1984.

SHORTLY BEFORE THE RULE BECAME FINAL, BOTH FIRMS AGREED TO UNDERTAKE CORRECTIVE ACTION.

(3) MESH-SIDED CRIBS AND PLAYPENS -- AFTER LEARNING OF THE DEATHS OF 11 YOUNG CHILDREN IN MESH-SIDED CRIBS AND PLAYPENS WHEN THE SIDES HAD BEEN LEFT DOWN, CPSC ISSUED A COMPLAINT IN THE FALL OF 1983 AGAINST ALL MANUFACTURERS OF THESE ITEMS SEEKING EXTENSIVE PUBLIC NOTICE AND A RECALL UNDER SECTION 15 OF THE CPSA. SEVEN OF THE DEATHS OCCURRED BETWEEN 1981 AND 1983. THIS MATTER IS CURRENTLY IN LITIGATION, WITH THE MANUFACTURERS CONTESTING THE STAFF'S POSITION THAT IT WAS IN THE PUBLIC INTEREST TO RECALL AND PROVIDE EXTENSIVE PUBLIC NOTICE OF THE HAZARD INVOLVED. TRIAL IS SET FOR AUGUST 1984. THE 30(D) RULE WAS PROPOSED IN THIS CASE MARCH 3, 1983, AND ISSUED IN FINAL FORM JULY 27, 1983.

(4) ENCLOSURES -- BETWEEN 1980 AND 1982, THE STAFF RECEIVED THREE REPORTS OF DEATHS AND ONE REPORT OF BRAIN DAMAGE CAUSED BY NECK ENTRAPMENT IN ENCLOSURES -- EXPANDABLE CYLINDRICAL WOODEN ENCLOSURES INTENDED TO CONFINE CHILDREN. ON JUNE 15, 1983, THE COMMISSION PUBLISHED A PROPOSED RULE UNDER SECTION 30(D). A FINAL 30(D) RULE WAS PUBLISHED MARCH 5, 1984 THE STAFF HAS INDICATED THAT IT MAY BE NECESSARY TO SEEK COMPULSORY CORRECTIVE ACTION UNDER SECTION 15 OF THE CPSA.

(5) CRIB HEADBOARDS -- TWO MODELS OF CRIBS MANUFACTURED BY ONE FIRM WERE INVOLVED IN SEVEN DEATHS. THE FIRM AGREED TO RECALL THE CRIBS AND AN EXTENSIVE NOTIFICATION EFFORT WAS CONDUCTED BETWEEN 1978-80. AFTER LEARNING OF TWO DEATHS DURING 1983, THE FIRM AGREED TO ANOTHER EFFORT TO NOTIFY THE

PUBLIC ABOUT THE HAZARD AND THE RECALL. IF IT HAD BEEN NECESSARY TO GO THROUGH THE 30(D) PROCEDURES, THE TIME TO INITIATE BOTH CORRECTIVE ACTIONS BY THE FIRM AND TO NOTIFY THE PUBLIC WOULD HAVE BEEN INCREASED SUBSTANTIALLY.

(6) INDOOR GYM HOUSES -- THIS CASE IS SIMILAR TO THE CRIB HEADBOARD CASE IN THAT THE FIRM AGREED TO A SECOND RECALL AND NOTIFICATION EFFORT. TWO DEATHS LED TO THE INITIAL RECALL IN 1980. THE SECOND EFFORT WAS THE RESULT OF A THIRD DEATH IN 1982. THESE CORRECTIVE ACTIONS AND PUBLIC NOTIFICATION EFFORTS WOULD HAVE BEEN SUBSTANTIALLY DELAYED IF IT HAD BEEN NECESSARY TO FOLLOW THE 30(D) PROCEDURES. IN OTHER WORDS, IF THE INDUSTRY HAD NOT BEEN COOPERATIVE, OUR HANDS WOULD HAVE BEEN TIED FOR SEVERAL MONTHS.

THE TOY SAFETY ACT OF 1984, IF PASSED, WOULD EXPEDITE THE CORRECTIVE ACTION ON ALL SUCH CASES, EXCEPT THOSE WHERE THE INDUSTRY INVOLVED RESPONDS READILY AND QUICKLY. THE BILL WOULD ALLOW CPSC TO USE THE SAME PROCEDURES TO RECALL A HAZARDOUS TOY THAT NOW CAN BE USED TO RECALL OTHER HAZARDOUS CONSUMER PRODUCTS.

THE PROCEDURE FOR RECALLING MOST CONSUMER PRODUCTS, AS YOU KNOW, IS RELATIVELY SIMPLE. UNDER AUTHORITY OF SECTION 15 OF CPSA, THE COMMISSION MAY, AFTER A PUBLIC HEARING, REQUIRE THE RECALL OF CONSUMER PRODUCTS THAT EITHER (1) FAIL TO COMPLY WITH A CONSUMER PRODUCT SAFETY RULE, AND SO CREATE A SUBSTANTIAL RISK OF INJURY TO THE PUBLIC, OR (2) CONTAIN A DEFECT WHICH CREATES A SUBSTANTIAL RISK OF INJURY TO THE PUBLIC. THE SECTION 15 RECALL AUTHORITY HAS BEEN ONE OF OUR MOST EFFECTIVE TOOLS IN PROVIDING PROTECTION FROM SUBSTANTIAL risks of injury in the marketplace. Regulations and standards, both voluntary and Commission mandated, are effective for subsequent production. But a recall or corrective action program is often the only effective way to reach those defective products already in circulation or in the possession of consumers.

In reviewing some of the legislative background which left toys and children's products outside of the normal realm of the CPSA, it seems that this was an unintended oversight brought on by an earlier effort to give special protection for toys. The effect has been a cumbersome system which can take months -- and, in some cases, years -- to recall a hazardous product destined for use by children.

Mr. Chairman, no consumer is more vulnerable to the hazards of product defects than children. The Consumer Product Safety Commission has long recognized this vulnerability and has had a deep interest in the special field of toy safety. For example, during the last three years, this agency has had a Holiday Toy Safety program before Christmas to promote safe buying practices and to caution adults about potential hazards in the children's market. This program has been held in cooperation with the Toy Manufacturers of America and has been very successful in reaching the buying public at a time when many toys are selected for children.

Age labeling on toys is a very important way that manufacturers can make toys safer for children. A

NUMBER OF MANUFACTURERS AND IMPORTERS ARE ALREADY PROVIDING APPROPRIATE AGE LABELING FOR THEIR TOYS, PARTICULARLY THOSE INTENDED FOR CHILDREN SIX YEARS OLD AND UNDER. THE COMMISSION HOPES THAT TOY MANUFACTURERS AND IMPORTERS WILL JOIN IN PROVIDING THIS IMPORTANT INFORMATION TO PREVENT UNNECESSARY ACCIDENTS.

REGARDLESS OF SUCH WORTHY PROGRAMS, HOWEVER, PROBLEMS DO SOMETIMES ARISE IN CHILDREN'S PRODUCTS. WHEN WE AT CPSC LEARN OF ACCIDENTS FROM THESE PRODUCTS, IT IS OUR JOB TO INVESTIGATE AND, WHEN NECESSARY, TO ACT. A MAJOR DIFFICULTY WE HAVE FACED IN SOME SITUATIONS INVOLVING TOYS AND CHILDREN'S PRODUCTS HAS BEEN THE COMPLEX AND CUMBERSOME PROCESS FOR EFFECTING RECALLS OR CORRECTIVE ACTION.

DELAYS IN SUCH MATTERS HARDLY SEEM JUSTIFIED, ESPECIALLY WHEN CONSIDERING THE TYPE OF CONSUMERS WHO ARE AT RISK. IT IS A SOURCE OF GREAT SATISFACTION TO THIS COMMISSION THAT THE ISSUE OF TOY SAFETY IS ONE WHICH ENJOYS BROAD PUBLIC SUPPORT. THIS LEGISLATION SHOULD GO FAR IN ENHANCING ONE OF THE EFFECTIVE CPSC TOOLS USED IN OUR TOY SAFETY RESPONSIBILITIES AND SHOULD PERMIT US TO UTILIZE MORE EFFECTIVELY OUR LEGAL RESOURCES CURRENTLY EMPLOYED IN THESE 30(D) PROCEEDINGS.

WE SUPPORT THE LEGISLATION PROPOSED BY YOU AND SENATOR KASTEN.

THANK YOU, MR. CHAIRMAN, AND WE WILL BE PLEASED TO RESPOND TO ANY QUESTIONS.

UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

The Chairman

PERSONAL STATEMENT

Chairman Nancy Harvey Steorts
U.S. Consumer Product Safety Commission
before the
Subcommittee on Health and the Environment
Committee on Energy and Commerce
U.S. House of Representatives
"Toy Safety Act of 1984"
May 31, 1984

It is with great personal pleasure that I come before you today to comment on the "Toy Safety Act of 1984."

First, I would like to take this opportunity to commend Congressman Waxman and Senator Kasten for having the foresight to introduce this bill. I believe that it shows a sensitivity to the the needs of the American Consumer. This bill will, hopefully, correct a legislative quirk that has for ten years hampered the ability of the Consumer Product Safety Commission to work expeditiously to protect America's Children.

Second, I would like to call attention to what I believe to be the most important aspect of this bill, namely the time factor. This bill will allow the Commission to move swiftly. This swiftness is best understood in comparative terms.

It has been pointed out that it is often easier for the Commission to recall products intended for adult use than to recall hazardous toys and children's articles due to the weaknesses of the FHSA.

Let us look again at the example of squeeze toys. Although most manufacturers were cooperative two firms were not. This meant that it took from 1981 to 1984 for the American marketplace to be free of a substantial product hazard.

In contrast, manufacturers are often far more willing to take prompt corrective action for an adult product because they know that the Commission does not need to go through protracted 30(d) proceedings, but instead can rapidly issue an administrative complaint to compel a recall or other appropriate corrective action.

A case in point is the Commission's recent voluntary recall on an electric space heater. This heater had been involved in six fires including one in which an eighteen month old baby perished. The Consumer Product Safety Commission contacted the manufacturer about this problem in February 1984 and a recall was announced in April 1984.

This means that it took only two months to get an adult product off the market while it took two years to do the same with a child's toy. I am pleased that, in the future, the chances for such an intolerable and unconscionable delay will be eliminated.

Third and lastly, while we are talking about the safety of children's products, I would emphasize my belief that much more needs to be done in the area of age labeling. Age labeling is a key way that industry can help make toys safer for the individual child. I would like to see on every toy -- particularly on those intended for children six years of age and under -- appropriate age recommendations and an explanation of the safety reasons behind the recommendation. In other words, better information for the Consumer.

I am confident that the combination of better age labeling for toys and the ability to recall hazardous children's products quickly will go far in reducing the tragic toll of toy-related injuries. Although toys are safer on the whole, in 1982 there were 123,000 injuries and this figure is simply too high.

Again I thank you, Congressman Waxman and Senator Kasten, for the work you have done in bringing to fruition the "Toy Safety Act of 1984."

Mr. WAXMAN. Thank you very much for your statement. We appreciate the joint statement on behalf of the Commission supporting this legislation. I have some questions I want to ask you, but we have been summoned to the House floor for a vote, so we will take a 10-minute recess now and then we will come back.

[Brief recess.]

Mr. WAXMAN. The meeting will come back to order.

Ms. Steorts, section 15 of the Consumer Product Safety Act provides that only defective consumer products which pose a substantial risk of injury may be recalled. H.R. 5630 does not require that a toy be defective before it may be recalled.

Should H.R. 5630 be amended to permit the recall only of defective toys that pose a substantial risk of injury?

Ms. STEORTS. I prefer to see the bill as you have it. Putting the word "defect" in there would be limiting in some cases, particularly when you are talking about children, little toddlers and babies.

We are looking at what creates a substantial risk of injury. Sometimes that word "defect" is a little difficult to prove, but still the product could create a substantial hazard.

So my personal preference is to leave the word "defect" out and leave your bill as it is now. My colleagues may have some comments on that. But my own personal feeling is what you have proposed is what I would like to see enacted.

Mr. WAXMAN. I would be pleased to hear from other members.

Mr. STATLER. It is a little bit like what the Supreme Court said of pornography. You know it is there, but you can't always identify the precise characteristics of it.

In this case, we often can identify very quickly that there is a substantial product hazard. But with more complex kinds of hazards, like the case of gas values, years before precisely determining exactly what the defect is.

I don't think you have in mind that we should go through a very complex analysis that precisely defines a specific defect. Rather that if it is the view of the Commission that there is a substantial product hazard, then that product, that toy, that children's article, ought to be subject to the section 15 standard.

I would urge the Commission in its future reauthorizations to consider the point that you have raised here in connection with possibly amending the CPSA itself to reflect the 10 years' experience we've had, which is along these lines of trying to precisely define the term "defect."

Ms. **Armstrong.** I would like to add that there are currently provisions in the Consumer Product Safety Act and the Federal Hazardous Substances Act, I believe under section 12 of the Consumer Product Safety Act, for allowing a finding of an imminent hazard that does not relate to or refer to any specific defect. I agree that it is very important to try, to the extent that we can, to assure that high level of safety when we have a product and an evaluation that clearly demonstrates a clear pattern of risk, as you have provided in your bill here, and we have concluded it presents a substantial product hazard. It is important that we are afforded the opportunity of responding to what we have identified as a clear pattern of risk, notwithstanding the fact that we cannot isolate or specifically identify a specific defect. The absence of the word "defect" would be unique because there are currently provisions for those findings contained in both of the acts now.

Mr. **Scanlon.** I would have a separate opinion on this. I think your legislation would be better if you did offer the defect language there, which would parallel the Consumer Product Safety Act.

There are a number of toys and children's products which would fall under the category as a substantial risk of injury to children—footballs, baseball bats, bicycles; you could go on and on—and unless there was a defect, I think you would have a problem here.

Mr. **Waxman.** The toy manufacturers of America have suggested that section 15 of the Federal Hazardous Substances Act be amended to refer to retailers rather than dealers.

Does the Commission believe that such a change is necessary?

Ms. **Steorts.** Mr. Chairman, again I feel that your bill, the way it is stated, should remain that way. I think that this bill should be all encompassing for everybody, and dealers means basically everybody. There are cases where you could have a retailer without having a dealer, and so I would leave it alone.

I like what you have, and I think it should remain that way. But I do think that retailers should be a part of it.

Mr. **Waxman.** In the Commission testimony you suggest that age labeling for toys is a very important means of making toys safer.

Do all toy manufacturers label their products as intended for children of specified ages?

Ms. **Steorts.** This is a very important issue to me personally, and also important to the Commission. If I could speak from a personal perspective at this point.

You see diversity at this point in age labeling on products. My personal feeling is that we should have age labeling on toys, and it should specify the reason why a specific age is appropriate. Many times a toy is bought for a child that is not able physically to handle that toy, although they may be able to handle it mentally. If a parent or a buyer of a toy is given that information on the product, I think that that is extremely important.

The Commission right now is requesting that individual manufacturers come in to meet with us at a meeting before the entire Commission. Frankly, we are having some difficulty getting that meeting set up. That meeting has been requested since last December, and I am seeing some waffling on the part of the manufacturers to attend that meeting, although I know that some of them have stated that they would come and be willing to share their expertise with the Commission. And anything that we can do to encourage this, we are at this point doing.

We are now asking for another meeting within the next few weeks. We are giving them three other dates that they can pick from. I think it is important that we get this age labeling issue out in the open and that we get improved age labeling on packaging.

Mr. **Waxman**. Why have some manufacturers refused to age label their toys?

Ms. **Steorts**. That is hard to answer. Some manufacturers find that doing age labeling is very beneficial. But I think that the basic question is, will they go the next step and put the reason for the age. That, to me, is the key on age labeling.

If you have a package saying this product is meant for a child age 3 to 6, that doesn't tell you a lot.

Mr. **Waxman**. The Commission hasn't required these labels, and our bill doesn't, either.

Do you think that we ought to require it either by Commission action or by legislation?

Ms. **Steorts**. Mr. Chairman, at this point I think this program could be a very effective volunteer program as long as the manufacturers will cooperate. If they continue to waffle the way some of them are at this point, then this may be an appropriate issue to be discussed with you at a later point for mandatory action.

Mr. **Waxman**. Mr. Statler.

Mr. **Statler**. Age labeling is a very difficult and complex area because of the unusual characteristics of children and the panoply of toys and children's articles with which they come in contact.

I think most parents out there, or surrogates who buy toys, don't have a clear understanding of what it means when it says, "This toy is not for kids under 3." I think most parents believe that their own children are especially adept or especially smart, and so they want to buy toys that are meant for the older child in order to challenge their child.

But, if as Chairman Steorts notes age labeling indicated that there was a safety specifying for kids over 3—because it contains small parts or sharp points, for example—that would give the parent or the surrogate some guidance in purchasing a toy. It would indicate to them that there is indeed a safety reason. That is what we are trying to instill. We need to get a program under way by toy manufacturers.

I, too, would prefer not to see any statutory language to try and cover this area because it is such a complex area. I think all the elements are there to get industry to do it on their own since the greatest expertise is right there in this industry. But if they don't, if the lack of cooperation we have seen up until now continues, I think we will want to come back to you and urge precisely the kind of thought that you are expressing in your question now. But I think it would be premature at this point.

Mr. **Scanlon**. The Commission, one of its projects in 1985 will be to review the extensive data that we have collected on what some manufacturers have done. Injury data available right now is quite unclear, and we don't know how many injuries have actually taken place because of lack of sufficient age labeling.

We also look at the complexity of this. There are some 5,000 new toys introduced into the market every year, all types of toys. For example, how do we label a volley ball?

Mr. **Waxman**. You don't think that either the Commission or the Congress ought to mandate anything at this point?

Mr. **Scanlon**. At this point, no; I think it is premature. Let's see what happens in 18 months, and if the need is there and industry is not cooperating, then there may be a necessity for the legislation that you are suggesting.

Mr. **Waxman**. Do you disagree with that?

Ms. **Armstrong**. I don't disagree with it. I agree with all my colleagues. I do think that it is premature at this point to apply legislation or mandatory action by the Commission. We have nothing that would support even suggesting that it is appropriate right now to proceed mandatorily. But I believe that it is a useful tool to assist parents in evaluating the propriety of selecting a particular toy for a child.

I am very interested in finding out from industry some of its concerns and trying to develop objective criteria that we can apply that will allow a certain amount of consistency industry-wide in using this age labeling intelligently.

Mr. **Waxman**. Mr. Nielson.

Mr. **Nielson**. Yes.

It is a pleasure to meet you again. I see you are more of the same mind than you were before. Last year, you split pretty well on the consumer product safety bill and various aspects of it, so it is good to see you together on this one.

I have two questions, neither of them major. One the chairman alluded to. He said, is it necessary to change the word dealer to retailer? And you answered you didn't think that was necessary. Let me rephrase the question.

Would it be objectionable to change the name from dealer to retailer in the bill?

Ms. **Steorts**. Congressman Nielson, my major concern is that this would be all encompassing so that it would be for everybody within the chain of distribution. I wouldn't want anyone left out of this.

Mr. **Nielson**. Would retailer not include the final dispersing points?

Ms. **Steorts**. There could be some dealers that would not be retailers.

Mr. **Nielson**. So it would be objectionable; not only unnecessary but unsatisfactory?

Do the other Commissioners concur or disagree with that comment?

Mr. **Scanlon**. I would concur.

Mr. **Statler**. I concur.

Ms. **Armstrong**. I concur.

Mr. **Nielson**. The other question is, the toy manufacturers in their testimony have on two other aspects—one of which has been covered by the chairman, and the other I don't think was—and that is the title bill. The bill is indicated as the Toy Safety Act. They would like to change it to Child Protection Act.

Is there any objection to that change?

Mr. **Statler**. I would have no objection.

Mr. **Nielson**. Let me ask the chairman, do you have any objection to that change?

Mr. **Waxman**. I would like to think it over. We are talking about toy safety, not talking about protecting all children from all dangers. I am open to discussion.

Mr. **Nielson**. The third question—I thought your answer on the second part, that defective toys—you feel that using the word defective would narrow the scope too much?

Ms. **Steorts**. I think it would leave out some toys that we would not want to see left out.

Mr. **Nielson**. Mr. Statler.

Mr. **Statler**. I had a further thought in that area, and that is, there is a problem with the use of the word defect that manufacturers have across the board and certainly those in the toy area would too. That is, under the common-law liability when a person is injured, increasingly the doctrine of strict liability comes into play, and that is usually predicated upon section 402(a) of the Restatement of Torts. The doctrine of strict liability depends on the term defect. In other words, there has to be a defect which causes injury, and if that is shown, then the victim recovers, and the victim is compensated.

Manufacturers are sensitive to that word defect, because if they report to the Commission something that is a defect, then when it comes to a common-law lawsuit they have in effect admitted liability. So, I think it would be in their interest as well as in the overall consumer interest that we have already addressed not to have that word in there. In effect it would put them on the spot, approaching self-incrimination.

Mr. **Nielson**. If it were made clear it is an engineering defect rather than a manufacturing defect, would that be a problem?

Mr. **Statler**. Yes; from the standpoint of section 402(a), because that covers everything—manufacturing, design, warnings. It is the most comprehensive of terms. Ours is the more limited.

Mr. **Nielson**. Clearly, if there is a manufacturing defect, a loose wire or something like that, they should be liable. But if it is an engineering defect, they may not be aware of it. That is the one I want you to remove from the stores immediately and make sure it cannot harm a child, such as this crib, for example.

When I first saw the crib, I couldn't understand how a child could possibly get hurt in it, until it was demonstrated graphically. I think the manufacturer didn't realize it would hurt a child, either. This is the type of product that should be pulled off the market.

Where there is a defect in the manufacture—the design is all right—I think they should be liable in that case because their quality control should catch those problems in the manufacturing process.

Mr. **Statler**. But under strict liability, they are going to be liable regardless.

Mr. **Nielson**. In other words, you could pull it fast. If it were an engineering defect, you could recall the whole set.

Is my understanding correct that if you find a defect, however defined, engineering or a particular manufacturing lot, then what is your process right now—do you notify the manufacturer or do you give him a chance to recall it voluntarily? How much time do you give him to do this, and how much obligation do you put on him to see that it is all recalled before you clamp down on him?

Mr. **Statler**. You should understand that out of the over 3,000 separate recalls the Commission has had over the years involving over 300 million units of products, over 99$^9/_{10}$ of those recalls or corrective actions have been voluntarily worked out with the manufacturer. In other words, it is the rare case where we go to court to impose our thinking.

So, in other words—in direct response to your question—whether the manufacturer brings the matter to our attention or whether we learn about it independently, we always go to the manufacturer and seek to get the manufacturer first to recall or to come up with a corrective action plan on his own. Then we give the firm guidance based upon our expertise as to how that might best be carried out.

Mr. **Nielson**. As I recall, in the consumer product safety bill there was a controversy as to whether you should notify the manufacturer, give him a chance to recall his product before you published the results of it. The committee on the House floor changed it to a straight reauthorization, and that part was left out of the bill.

Has that been a problem with the Commission, or is that still a desire; that you would like to be able to act without the necessary length of time to notify the manufacturer?

Mr. **Statler**. We are talking about two things. In the recall area, we always go to the manufacturer first, but——

Mr. **Nielson**. I am talking about the publicity.

Mr. **Statler**. The section 6(b) publicity, in that area speaking only for myself—I think that the bill reported out of this committee was the correct approach; namely, relieving the Commission of that 6(b) responsibility in every case where we must identify——

Mr. **Nielson**. That is still a problem, as you see it?

Mr. **Statler**. It is a big problem.

Mr. **Scanlon**. I disagree with that. I think 6(b) is necessary, and I think it serves a useful purpose for the Commission.

Mr. **Waxman**. We are not addressing that issue.

Mr. **Nielson**. I understand that. I am just trying to see if this was related, because the recall provision is important, and I would like to see it done as expeditiously as possible, as much voluntarily as possible. I would not like to see an entire company's reputation damaged by premature publication of something that the manufacturer could take care of himself.

Ms. **Steorts**. Congressman Nielson, I would like to go back to one of your first questions about Toy Safety Act versus the Child

Protection Act. That could have some merit. One of the more critical situations that we looked at recently was the one with crib hardware, and this was very, very difficult to finally get the manufacturers to come around. The Child Protection Act probably would be a more effective title for the act if you did consider, Mr. Chairman, a broader title for your act than just toys, it could be more encompassing—because cribs and children's products certainly fall under this category that we are trying to get changed. I would support that. I think that that has some merit.

Mr. **Nielson**. I thank the witnesses.

Do you have a comment?

Mr. **Scanlon**. I would support the word "defect," as I suggested to the chairman. I think it would provide the necessary legislative guidance to the Commission, particularly at a later date.

Mr. **Nielson**. I thank the panel.

Mr. **Waxman**. Thank you, Mr. Nielson.

Mr. Walgren, do you have any questions?

Mr. **Walgren**. No questions, Mr. Chairman.

Mr. **Waxman**. Thank you very much for your participation in this hearing. We are looking forward to working with you on this bill. If we have further questions, we will submit them to you in writing.

Our next witness is David Greenberg, legislative director, Consumer Federation of America.

We are pleased to welcome you to our subcommittee hearing. Your prepared statement will be made part of the record. We would like to ask you to summarize that statement in no more than 5 minutes.

STATEMENT OF DAVID I. GREENBERG, LEGISLATIVE DIRECTOR, CONSUMER FEDERATION OF AMERICA

Mr. **Greenberg**. Thank you, Mr. Chairman, members of the subcommittee. The Consumer Federation of America is happy to be here today to discuss this issue on behalf of our 200 organizations and their 35 million members.

We fully support this legislative effort. We hope to assist you in putting a bill on the President's desk this session.

I would also like to thank you for your leadership on this committee and for the numerous things you have done to promote the consumer interest. I would enumerate those things, but it would put me well beyond my 5 minutes.

Mr. Chairman, members, you have seen the examples here. You know about the tragedies that can be involved when it is difficult to recall unsafe toys from the marketplace.

I would just like to give you three brief reasons why we think this bill is necessary. First, the failure to enact legislation and to enact it this session is the failure to prevent preventable injuries and deaths. The delays of months and years forced upon the CPSC by its inadequate procedures inevitably will keep certain dangerous toys on the market long enough to cause unnecessary accidents.

Second, it is not the safety-conscious toy manufacturers that would be harmed by the enactment of H.R. 5630. Such firms agree to voluntary recall plans as soon as they learn about the hazards created by their toys. It is the recalcitrant toy companies that H.R. 5630 will affect, appropriately so. But, if this legislation passes, no firm would be able to gain a small advantage over its competition through procedural delay, as is the case today. We hope the toy manufacturers and their trade associations will recognize this and offer their full support to this bill.

Third, the toy safety procedures problem illustrates that the CPSC needs strong mandatory powers to enable it to maximize voluntary Government/industry cooperation and to minimize command-and-control regulation. The weakness of the Commission's power is the toy safety area does not create less regulation. Instead, it only serves to draw out the regulatory process and reward the least public-spirited industry members.

In contrast, the stronger procedures accorded the CPSC by H.R. 5630 would shorten the regulatory process and reward firms that put safety first.

We believe the record is clear. Hazardous toys must receive equal treatment under the CPSC's governing statutes. H.R. 5630 provides that equality by making a series of simple conforming amendments.

We urge this subcommittee to act favorably on this bill as soon as possible. We offer to help in any way we can.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Greenberg follows:]

Statement of

DAVID I. GREENBERG, LEGISLATIVE DIRECTOR

On Behalf of

CONSUMER FEDERATION OF AMERICA

Mr. Chairman and Members of the Subcommittee, I am David I. Greenberg, Legislative Director of Consumer Federation of America (CFA), the nation's largest consumer advocacy organization. On behalf of CFA's 200 organizations and their 35 million members, I would like to thank the Chairman for this opportunity to testify on H.R. 5630, the Toy Safety Act of 1984. We want to offer our full support to this legislative effort; we hope to assist you in putting a bill on the President's desk during this session of Congress. If we can accomplish that task, the children of this nation will suffer fewer injuries and deaths from hazardous toys, and the parents of those children will be subject to less anxiety over their children's safety. In the long run, everyone will benefit, including toy manufacturers, because consumers with greater confidence in toy safety will be willing to buy more toys. As a consequence, we believe that toy manufacturers and their trade associations should join in support of H.R. 5630.

When the public is asked about the important tasks for government action, toy safety stands at the top of the answer list. The Lou Harris Survey, "Consumerism in the Eighties," provides strong evidence of this sentiment. Fully 88% of those surveyed felt that government should approve new toys before they are allowed on the market. Imagine the response to a question about removing unsafe toys from the market.

Given this paramount concern about effective regulation of toy safety, it is ironic that we have given regulators weaker enforcement tools in the toy safety area than in many others. It is this inequality that H.R. 5630 seeks to rectify.

We have no clue about the rationale--if any--for deeming hazardous toys less worthy of speedy corrective action than other dangerous products. Neither are we knowledgeable about or interested in the underlying history. What we know and do care about is the fact that it can be months, even years, longer for the Consumer Product Safety Commission (CPSC) to rid the market of hazardous toys and children's products. In the case of non-children's products, the Commission can proceed to recall hazards under its Section 15 authority. In the case of toys, however, the CPSC must first proceed through a lengthy rulemaking under Section 3(e) of the Federal Hazardous Substances Act (FHSA), or through a "transferring action" under Section 30(d) of the Consumer Product Safety Act (CPSA), before resorting to Section 15. The former procedure will take one to two years, absent legal challenges. The latter Section 30(d) action takes several months at minimum. Moreover, the vitality of 30(d) actions has been called into question by the Fifth Circuit Court of Appeals' decision overturning the CPSC's ban on formaldehyde insulation. What we are left with is a problem--toys that kill or injure--that can strike at many moment, coupled with a "solution" that moves with the speed of summertime in Washington in the days before air conditioning. It is a tragedy waiting to happen.

CPSC case histories suggest that it is a tragedy that has happened. Let me give two examples. The first involves suffocation deaths caused by the ends of certain squeeze toys, which the Commission learned about in 1981 and 1982. Out of twenty-one affected manufacturers, two firms refused to agree to voluntary recall procedures, forcing the CPSC to undertake a 30(d) action. The final 30(d) rule was not issued until January 1984. Shortly before that rule became final--which would have triggered the Commission's authority to order a recall--the two holdout firms agreed to take corrective action.

Second, in October and November of 1979, the CPSC staff received reports of strangulation deaths associated with certain stuffed toys. The Commission negotiated a corrective plan with the manufacturer approximately two months later, but the company balked at additional action the CPSC sought in April 1980.

It took the Commission until June 1982 to pursue 30(d) procedures and authorize a complaint against the company; faced with that complaint, the manufacturer agreed to a voluntary plan.

There are other examples, but these two illustrate the main reasons that H.R. 5630 is necessary and necessary right now. First, the failure to enact legislation is the failure to prevent preventable injuries and deaths. The delays of months and years forced upon the CPSC by its inadequate procedures inevitably will keep certain dangerous toys on the market long enough to cause unnecessary accidents.

Second, it is not the safety-conscious toy manufacturers that would be harmed by the enactment of H.R. 5630. Such firms agree to voluntary recall plans as soon as they learn about the hazards created by their toys. It is the recalcitrant toy companies that H.R. 5630 will affect. But, if this legislation passes, no firm will be able to gain a small advantage over its competition through procedural delay, as is the case today.

Third, the toy safety procedures problem illustrates that the CPSC needs strong mandatory powers to enable it to maximize voluntary government/industry cooperation and to minimize command-and-control regulation. The weakness of the Commission's power in the toy safety area does not create less regulation. Instead, it only serves to draw out the regulatory process to the advantage of the least public-spirited industry members. In contrast, the stronger procedures accorded the CPSC by H.R. 5630 would shorten the regulatory process and reward firms that put safety first by increasing the Commission's leverage to bargain with firms tempted to elevate profits above the needs of public safety.

CFA believes the record is clear. Hazardous toys must receive equal treatment under the CPSC's governing statutes. H.R. 5630 provides that equality by making what should be considered a series of simple conforming amendments. We urge this Subcommittee to act favorably on this bill as soon as possible. Our nurseries and our playgrounds will be safer for the effort.

Consumer Federation of America would again like to thank the Subcommittee and its Chairman for this opportunity to testify. We stand ready to assist you in any way we can.

Mr. Waxman. Let me ask you a couple of the same questions that I asked the members of the Commission.

Section 15 of the Consumer Product Safety Act provides that only defective consumer products which pose a substantial risk of injury may be recalled. This bill doesn't require that a toy be defective before it may be recalled.

Should the bill be amended to require the recall only of defective toys that pose a substantial risk of injury?

Mr. Greenberg. I don't think you should. I think that by adding the term "defect" you are creating an immediate litigation issue.

What you are attempting to do here is to streamline the process of getting unsafe and dangerous toys off the market. If you have listened to the Commission's examples in the past, almost all the members of the industry affected have agreed that the dangerous toys should be taken off the market. There have been a couple of holdout firms.

I don't think adding the term "defect" would help. I also think that we have to be careful in this area to distinguish between regulatory law and product liability law. The concept of defect has a well-known and valuable purpose in product liability law. I don't think it has the same purpose in regulatory law. And I think that if you look further at the toy area, you will see that the need for the term "defect" is much less important.

The term "defect" grows from the need to distinguish products that pose a risk but are still valuable to society. I think in the toy area, when you have a product that poses a substantial risk, it is unlikely that there would be so much value to the society from a children's toy or plaything that we wouldn't want to take it off the market if it presents a substantial hazard.

So I would say the bill should stand as it is.

Mr. Waxman. We have an unusual situation for this subcommittee because usually we have very controversial issues before us with sharply divided opinion. It is a pleasure to have almost everyone supporting the legislation. It shows that when we have a consensus on the broad issues we fight about the smaller ones.

I would like to know your opinion about the title for this bill. Do you think it ought to be the Toy Safety Act, the Children's Protection Act, Safe Kid Stuff Act? Do you have any views on that issue?

Mr. Greenberg. Mr. Chairman——

Mr. Waxman. You may want to go back to your organizations and have it discussed more thoroughly. I know you may not have discussed it enough to give us an opinion.

Mr. Greenberg. It may be subjected to several rounds of bullet voting.

I suppose I have a very pragmatic view. If the toy manufacturers and their trade associations are willing to step up to the table right now and say, "David Greenberg, if CFA will support a change in the title of the bill from Toy Safety to Child Protection, we will help you pass it in 2 months," I would go along.

I am troubled that it is an issue. I think you have chosen the appropriate title.

Mr. Waxman. If it is trouble, it is not a big one.

The toy manufacturers, for the record, were invited and chose not to come. But they are not in opposition to the legislation.

Mr. Nielson, do you have any questions?

Mr. **Nielson**. No, I have no questions, other than to say that I think that is a minor issue. They have asked for three things in the bill. That one seems like an easy one to handle.

The other two—on the word "defective," there is a controversy on that one. The Commission was divided 3 to 1 in favor of leaving it as it is in the bill. And the other one, having to do with the retailer rather than dealer, again the Commission preferred the word "dealer." Again, divided opinion.

But that is the only one of the three that the Commission didn't seem to have strong feelings one way or the other on. And if it would remove a potential source of irritation, I think the title should be changed. I probably won't offer that.

Mr. Waxman has a bill that I support wholeheartedly. And, unlike the consumer product safety bill, this one I don't think will have—I think it will go through without any opposition either from the subcommittee or committee, and probably on suspension through the House. So I think you have got a bill you can support. And of the three things asked for, that is one that I don't think has that much impact on the total bill itself.

The chairman is a very modest man. I don't think he has a pride of authorship. If you want to change "happy" to "glad" in one of his bills, he doesn't object.

Mr. **Greenberg**. Congressman, I don't remember that consumer product safety bill being controversial. I thought it was perfect in every regard.

Mr. **Waxman**. Perfectly controversial.

Mr. **Nielson**. It was very controversial in subcommittee, committee, and on the floor.

I have no further questions. Thank you for appearing.

Mr. **Waxman**. Thank you, Mr. Nielson.

Mr. Walgren.

Mr. **Walgren**. No questions, Mr. Chairman.

Mr. **Waxman**. Mr. Sikorski.

Mr. **Sikorski**. I see the recommended name is the Child Protection Act of 1984. The President just signed last week the Child Protection Act, which deals with child pornography. I am not so sure that the manufacturers or anyone else would embrace that name.

I am almost convinced, as a cosponsor of that legislation, that was called the Child Protection Act. Am I right? I think I am.

I am not so sure that that is a very good compromise name.

Mr. **Waxman**. If the gentleman would yield to me.

This isn't the markup, but Ms. Steorts suggested that "toys" may be too limiting a word because we are talking about cribs and other products. So maybe we can talk about Children's Product Safety Act. But we can think this through and work it out.

Mr. **Walgren**. Mr. Chairman.

Mr. **Waxman**. Mr. Walgren.

Mr. **Walgren**. Just a thought and a question.

Where would a parent go if they were interested in finding out whatever warnings might be available, anecdotal warnings in that sense, for the best effect? Now I understand the Commission is apparently under some restraints for some of the information they can give out. But we have two cribs at home that look very much like that crib. I didn't see it operated this morning, but if apparently there is a fatal defect in that crib, I would like to know who I could ask who could flag that kind of thing for me.

We threw away one of the wooden enclosures that was raised in testimony of the Chairman of the Consumer Product Safety Commission. Certainly, I never expected that thing to be at all hazardous. And we used it for some period of time before somebody said, "Oh, that is dangerous." But that had been given to us by somebody who had used it completely—another Congressman, by the way.

So what I am thinking here is that there are a lot of anecdotal dangers out there that it may be very useful for parents to be able to have access to.

Do you have any idea what source we could go to for that kind of general warning?

Mr. **Greenberg**. There is not really an adequate answer to that question. But here are a couple of ideas.

One is, for the low price of $9.95 you could purchase Consumer Federation of America's "Product Safety Book," which in encyclopedia form details all known hazards with information from the Product Safety Commission, the Food and Drug Administration, the National Highway Traffic Safety Administration. It lets people know what has gone wrong in the past and what to look for. It doesn't help you predict the future.

Second, I would go through back issues of Consumer Reports to see if the product that you are interested in buying or evaluating has been covered. We might be willing to adjust the price of the book for Members of Congress, by the way.

Mr. **Walgren**. Upward, I trust.

Mr. **Waxman**. Would the gentleman yield to me?

Mr. Nielson hit on that very point, although it is not part of this legislation. The issue we had when we were doing the reauthorization was that if you, as a parent, wanted to contact the Consumer Product Safety Commission and find out what is in their file about complaints for injuries due to any particular product like that crib, they are restricted from giving that information to you. They cannot even give you the collection of newspaper articles documenting that injuries took place and that are allegedly due to a particular type of crib or toaster or any other product. They are prohibited from doing that, and that was one of the things we wanted to change.

It seemed to me we ought to get that information out if it is only a factual statement of what is in their file. When the Commission, however, makes a determination, then we expect them to verify the allegation. But they are prohibited until they can ask the manufacturer's permission to release what is already in the newspapers—just to give the information in their file.

I think that issue is one that we are going to be working on, because I think the public is denied access to information that might be valuable.

Perhaps somebody from the Commission would demonstrate what is wrong with that crib to Mr. Walgren, and he could check at home to see whether his crib may have the same problem.

Mr. **Preston**. I am John Preston, an engineer with the Product Safety Commission. I happen to be the person that purchased this crib. I did not purchase it specifically because it represented the worst cribs on the market. I merely purchased it because it has a construction which is very typical of cribs made in the United States, and it has certain features which contribute to the kinds of incidents that we have had reported.

We have a total of 167 incidents involving structural or mechanical failures of crib hardware, 34 of which resulted in the deaths of children.

Mr. **Walgren**. Would you go back over that again, please? You say 34 deaths?

Mr. **Preston**. Of 167 incidents of structural or mechanical failure, 34 resulted in the deaths of the occupants.

One of the typical problems is the suspension or the connection between the mattress of the crib and the crib end panels. This is very typical of many cribs currently on the market where you are relying on gravity to make that connection. You have a hook and a hangar, and it will not resist upward force without disconnecting.

The problems are not black and white; they are shades of gray. And I would say this one is medium gray. If I lift this up, it does disconnect. I see that this one would miss if it comes back down. So if they disconnect due to an upward force, it will actually reconnect when you lower the mattress spring. Some do not. This one appears that it would disconnect, and when it drops, it happens to have snagged on the bottom rail there, and the child can tumble down, get jammed between the mattress and the side rail. And, in some cases, children have asphyxiated because of that.

Mr. **Walgren**. And that is the problem with this crib?

Mr. **Preston**. That is one of the features which this crib has. I deliberately left the bolt out in the corner of this product. There should be a bolt through the end panel which fits into a nylon insert in the bottom rail.

We have a number of cases where bolts have mysteriously disengaged during the course of the use of the product, causing in this case—I am not going to use the word "defect"—a problem which can lead to the asphyxiation again of a child due to the fact there is no connection between the bottom rail and the end panel. During the night, a child can move and tumble off the edge of the mattress and become wedged in the space between the side rail and the mattress, and the mattress support, and we have several cases of that type of failure.

Mr. **Walgren**. Are there plenty of instructions with cribs that would warn a parent of that kind of failure and that kind of result?

Mr. **Preston**. In the Commission's mandatory regulation for cribs, it is required that the instructions state that the crib should be periodically checked for integrity of all the fasteners, the nuts and bolts. But we feel that typically consumers would not retain instructions. If you buy a crib from a used source such as a yard sale, chances are it would not come with instructions.

One of the things that the Commission staff is negotiating with the industry members on a voluntary standards task force is a more permanent form of label on the product itself that might stay with the product through the second or even third user, which would have instructions such as checking for integrity of fasteners, and also state that if a second consumer wants to buy, or wants to have the original instructions, they should write to—and it will give the name and address of the manufacturer.

Mr. **Walgren**. On that kind of a warning label, would you have the consequences; in other words, not just "Please check the integrity of the fasteners"—do you then go on to say, because if they come undone there may be certain openings opening up that might asphyxiate a child?

Mr. **Preston**. I have a typical example of a warning label that the Commission staff have drafted, which I am going to discuss next week at a voluntary industry task group in Philadelphia, and it does contain such language, yes. I hope to get such warning on the label.

Mr. **Walgren**. Well, I certainly want to encourage you in it. It is just amazing how there is no real way to anticipate anything like that.

Now, I have assembled cribs like this and experienced the floppy connection there. But it never entered my mind that my completion of that assembly would have anything to do with the strangulation of a child. I mean, it never even entered my mind. And I assume that we got the warnings; at least they were new. And there was paper connected with it, and I went through the instructions.

But I guess the only lesson is that none of us—human nature is such that we cannot foresee these things, and somehow or other we expect and really rely on their safety, and implicitly rely on it. And our attention must be dramatically brought to it or it fails.

And then I am thinking, you know, there is a stage that parents reach where you let your kids cry at night, and would not then go in to see what had gone wrong, and you would let the kid literally go for an hour, and he may be in terrible shape.

Thank you, Mr. Chairman.

And it just also deserves perhaps to be said that everyone knows, because it is common human experience, that when we think of do we evaluate these products, well, the truth is we don't. They come literally pouring into the House. This enclosure just arrived one day. No one thought to evaluate it. And we are not terribly derelict parents.

So I just want to encourage you, as I know you do read human nature, to know that human nature is not going to pick this stuff up. And yet, people like myself and the whole public do rely on some other level to take care of that problem or really flag it to us. And if it is not really flagged, we won't pick it up.

Mr. **Waxman**. If the gentleman will yield to me.

It seems to me what you are saying is that, while parents might not anticipate this danger, we shouldn't have to have children and parents relive the same horrible accident once we are finding out the dangers and hazards with these products. That is why we have a Consumer Product Safety Commission. And that is why we have to give them the tools to protect the public. And I think that is why everybody here is supporting the legislation.

Thank you very much, Mr. Greenberg, and those who have participated in the committee hearing today.

That concludes our business. We therefore stand adjourned.

[Whereupon, at 11:20 a.m., the hearing was adjourned.]

[The following letter was submitted for the record:]

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May 25, 1984

Honorable Henry W. Waxman
Chairman of the House Subcommittee
on Health and the Environment
2418 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Waxman:

We represent Toy Manufacturers of America, Inc. (TMA). TMA is a trade association of domestic manufacturers and importers of toys, games and Christmas decorations whose members account for 90% by volume of the approximately 5.3 billion dollars in annual sales of toys, games and decorations at the wholesale level.

TMA has received a copy of the Bill you propose to introduce in the House of Representative commonly referred to as the Toy Safety Act of 1984. TMA submits the following comments on the Bill:

1. The Title. The Bill is entitled the Toy Safety Act of 1984. The Bill, however, seeks to regulate not only toys but other articles intended for use by children. As such its scope is very broad. Several examples of allegedly dangerous products exhibited at the press conference introducing the Bill, included children's articles other than toys. For that reason, TMA suggests the Bill be renamed the Child Protection Act of 1984.

2. Absence of Defect and Failure to Provide Equivalency with Provisions of Section 15(b), (c) and (d) of the Consumer Product Safety Act. In your statement and news release issued at the press conference introducing the Bill you indicated that you were seeking legislation which will enable the Commission to recall quickly "dangerously defective toys and other articles used by children." Both you and Senator Kasten at the time of the introduction of legislation indicated that the Bill purported to seek equivalency with the provisions of the Consumer Product Safety Act (CPSA). The repeated reference was made that toys and other children's articles should be treated the same way

as toasters for the purposes of applying the remedies of Section 15 and that recalls should not be delayed because of the necessity of transferring the regulation of a risk of injury from the Federal Hazardous Substances Act to the Consumer Product Safety Act. TMA does not oppose such action in principle, however, it does oppose the provisions of the Bill which do not provide such equivalency.

We are annexing a copy of the Bill as revised by us in such manner as to insure equivalency. In essence we are proposing that the language which would permit adjudicative proceedings against toys or other children's articles that contain defects which present a substantial risk of injury is essentially the same as that contained in Section 15(c) and (d) of the CPSA. We have done so by incorporating the language in Section 15(c) and (d) of the CPSA in the text of the Bill amending Section 15 of the FHSA, to provide for notification and repair, replacement or refund of toys or other children's articles which are determined by the Commission to contain a defect which presents a substantial risk of injury to children. We believe, it is only toys or other articles which contain a defect which should be subject to this provision. Adopting the phrase "defective toy or other article" as it appears in the amended text of the Bill, will, in our opinion insure equivalency with the provisions of Section 15(c) and (d) of the CPSA and will achieve your aim.

If the reach of the statute is intended to go beyond "defective" toys and other children's articles, TMA opposes such legislation as unwarranted, since, unlike remedies for other consumer products contained in Sections 15 (c) and (d), it would allow the removal of nondefective products. If a defect exists for any reason (i.e., construction, manufacture, or design, etc.) which creates a substantial risk of injury the Commission, under our proposal, will be given authority to remove the defective product from the stream of commerce. We do not believe that a regulatory agency should be given the power to remove nondefective products from commerce, nor do we believe that such power is being sought or is intended to be conferred upon the Commission by the Congress.

Note the provisions of the National Traffic & Motor Vehicle Safety Act (Section 154(a)(1)) which like the CPSA also limit recalls to defective vehicles or equipment which relate to motor vehicle safety. See also the provisions of Radiation Control Act, Section 359 which also provide for adjudicative recall of defective products within the purview of this statute.

3. Inaccurate examples of Products. The two examples of defective toys given at the press conference which were allegedly delayed in recall because of the requests of Section 30(d) of the CPSA were not entirely correct.

The defective string-suspended-stuffed toy was immediately voluntarily recalled by the manufacturer, who engaged in extensive recall efforts. Similarly, there was no delay in the recall effort undertaken for the squeeze toy which you exhibited. That toy was also immediately voluntarily recalled by the manufacturer. The squeeze toy in question was not the issue. Two other manufacturers whose toys had never been involved in injury or death, but, whose toys were nonetheless the subject of the recall request, and who objected to the determination that the toys presented an alleged substantial risk should have been cited as examples. Those toys were allegedly similar to the recalled squeeze toy. When the manufacturers contested their similarity and associated risk and sought a hearing with respect to these issues, a rulemaking proceeding to transfer risk of injury from the FHSA to the CPSA was begun. Subsequently the two manufacturers voluntarily recalled these toys without the need for additional Commission action.

4. Inclusion of the term "retailer". To further insure conformity with the provisions of Section 15 (c) & (d) of the Consumer Product Safety Act we suggest and support the substitution of the term "retailer" in lieu of "dealer" whenever this term appears in the Bill.

TMA therefore respectfully requests that the proposed Bill be amended as set forth in this letter and in the annexed draft, which has been modified to reflect these changes.

Very truly yours,

AL:dd

Aaron Locker

STEEL JAW LEGHOLD TRAPS

FRIDAY, AUGUST 3, 1984

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT,
Washington, DC.

The subcommittee met, pursuant to call, at 9:57 a.m., in room 2123, Rayburn House Office Building, Hon. Henry A. Waxman (chairman).

Mr. SCHEUER [presiding]. Good morning. The Subcommittee on Health and the Environment will be in session.

This morning the subcommittee will be considering H.R. 1797, a bill to end the use of the steel jaw leghold trap on animals in the United States and abroad.

This legislation would prohibit shipment in interstate commerce of any fur taken from an animal caught in a steel jaw leghold trap. Further, the act would prohibit export or import of such furs. Violations of the act would be punishable by fines of up to $1,000 and repeat offenders would face penalties of up to $5,000 and/or 2 years imprisonment.

The use of the steel jaw leghold trap has been banned in 59 countries. There is significant public support for banning its use in this country. According to a 1979 survey conducted for the U.S. Fish and Wildlife Service, 78 percent of our citizens oppose the use of steel jaw traps, in fact, several States have already banned its use.

I would like to thank all of our witnesses representing Federal and State governments as well as animal protection, trapping, environmental and fur industry groups, for assisting the subcommittee in its deliberations on this important piece of legislation.

Our first panel includes three distinguished Members of Congress, Hon. Clarence D. Long of Maryland; Hon. George Brown of California; and Hon. Don Young of Alaska, where I suppose on a per capita basis more trapping goes on than any other place perhaps in the world, but certainly in the United States.

We are very honored to have you three colleagues here today. Your statements, of course, will be printed in their entirety in the record.

Perhaps you might want to summarize your views in 5 or 6 or 7 minutes and then I am sure that we will have some questions for you.

To start out, it is a great pleasure and honor to introduce the first of our distinguished congressional panel, Hon. Clarence Long of Maryland.

[The text of H.R. 1797 follows:]

98th CONGRESS
1st Session

H. R. 1797

To end the use of steel jaw leghold traps on animals in the United States and abroad.

IN THE HOUSE OF REPRESENTATIVES

March 2, 1983

Mr. Long of Maryland (for himself, Mr. Addabbo, Mr. Barnes, Mr. Boland, Mr. Brown of California, Mr. Dixon, Mr. Edgar, Mr. Fauntroy, Mr. Hoyer, Mr. Jacobs, Mr. Lehman of Florida, Mr. Lent, Mr. McGrath, Mr. Matsui, Mr. Mavroules, Ms. Mikulski, Mr. Mineta, Mr. Mitchell, Mr. Moakley, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Neal, Mr. Nowak, Mr. Ottinger, Mr. Rodino, Mrs. Roukema, Mr. Smith of Florida, Mr. Stokes, Mr. Sunia, Mr. Weiss, Mr. Wilson, Mr. Lantos, Mr. Yates, Mr. St Germain, Mr. Roth, Mr. Bennett, Mr. Corrada, Mr. Berman, Mr. Guarini, Mr. Kastenmeier, Mr. Porter, Mr. Markey, Mr. Dwyer of New Jersey, Mr. Russo, Mr. Waxman, Mr. Gray, Mr. Minish, Mr. Edwards of California, Mr. Vento, Mr. Clay, Mr. Bonior of Michigan, Mr. Torricelli, Mr. Roybal, Mrs. Schneider, and Mr. Whitehurst) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To end the use of steel jaw leghold traps on animals in the United States and abroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. It is the policy of the United States to end the needless maiming and suffering inflicted upon animals through the use of steel jaw leghold traps by prohibiting the shipment in interstate or foreign commerce of such traps and of articles of fur from animals that were trapped in such traps.

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "article of fur" means—

(A) any furskin bearing hair, raw or not dressed or dressed; and

(B) any article, however produced, that consists in whole or part of any furskin.

For purposes of subparagraph (A), the terms "furskin", "raw or not dressed", and "dressed" have the same respective meanings that are given them in headnote 2 of subpart B of part 5 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202).

(2) The term "interstate or foreign commerce" shall have the same meaning as that given to such term in section 10 of title 18, United States Code.

(3) The term "steel jaw leghold trap" means any spring-powered device which captures or holds an

animal by exerting a lateral force with fix-mounted jaws on any part of the animal's body.

PROHIBITED ACTS AND PENALTIES

SEC. 3. (a) No article of fur shall be shipped in interstate or foreign commerce if any part or portion of such article is derived from an animal that was trapped in a steel jaw leghold trap.

(b) The entry, or withdrawal from warehouse for consumption, in the customs territory of the United States of any article of fur to which subsection (a) applies is prohibited.

(c) It is unlawful for any person—

(1) to ship or receive any article of fur in contravention of subsection (a);

(2) to deliver, carry, transport, or ship by any means whatever, in interstate or foreign commerce, any steel jaw leghold trap;

(3) knowingly to receive, acquire, or purchase any steel jaw leghold trap that was delivered, carried, transported, or shipped in contravention of paragraph (2); or

(4) to violate any regulation prescribed by the Secretary of Commerce under section 4.

(d) Any person who violates paragraph (1), (2), (3), or (4) shall for the first offense against each such paragraph be fined not more than $1,000; and for the second and each subsequent offense against each such paragraph be fined not more than $5,000 and imprisoned for not more than two years.

REGULATIONS

SEC. 4. The Secretary of Commerce shall prescribe such regulations as are necessary to carry out the policy of this Act.

EFFECTIVE DATE

SEC. 5. This Act shall take effect one year after the date of its enactment, and shall apply with respect to articles of fur derived from animals that were trapped in steel jaw leghold traps on or after such effective date.

○

STATEMENTS OF HON. CLARENCE D. LONG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND; HON. GEORGE E. BROWN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; AND HON. DON YOUNG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

Mr. LONG. Thank you, Mr. Chairman. Thank you very much for scheduling this hearing on my bill, H.R. 1797, to end the use of the steel jaw leghold traps.

H.R. 1797 has 125 cosponsors including the distinguished Chairman Waxman, and you, the pro tem chairman, Representative James Scheuer, Barbara Mikulski of Maryland, Ron Wyden of Oregon, Richard Ottinger of New York, Mickey Leland of Texas, and Bob Whittaker of the subcommittee. I ask that the names of the cosponsors be entered at this point in the record.

[The information follows:]

OFFICE OF THE CLERK

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SEPTEMBER 13, 1984              PAGE  1        ***       H.R.1797*********


SPONSOR........... Long (MD)
DATE INTRODUCED... March  2, 1983
HOUSE COMMITTEE... Energy and Commerce
OFFICIAL TITLE.... A bill to end the use of steel jaw leghold traps
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CO-SPONSORS..... 125 CURRENT COSPONSORS — 5  Deleted


  Mar  2, 83  Referred to House Committee on Energy and Commerce.
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AS INTRODUCED... Addabbo, Barnes, Boland, Brown (CA), Dixon, Edgar,
                 Fauntroy, Hoyer, Jacobs, Lehman (FL), Lent,
                 McGrath, Matsui, Mavroules, Mikulski, Mineta,
                 Mitchell, Moakley, Morrison (CT), Mrazek, Neal,
                 Nowak, Ottinger, Rodino, Roukema, Smith (FL),
                 Stokes, Sunia, Weiss, Wilson, Lantos, Yates,
                 St Germain, Roth, Bennett, Corrada, Berman,
                 Guarini, Kastenmeier, Porter, Markey, Dwyer,
                 Russo, Waxman, Gray, Minish, Edwards (CA), Vento,
                 Clay, Bosler, Torricelli, Roybal, Schneider,
                 Whitehurst (Deleted Aug 2, 83).
      Mar 14, 83 McKinney, Crockett, Leland.
      Mar 21, 83 Ford (TN), Green, Beilenson.
      Apr  5, 83 Downey, Levine, Swift.
      Apr 11, 83 Frank, Ackerman, Studds, Marriott (Deleted
                 May 16, 84), de Lugo, Oakar, Leach.
      Apr 15, 83 Oberstar (Deleted Sep 14, 83), Stark, Schumer,
                 Wheat, Dellums, Donnelly, Patterson, Zschau,
                 Feighan.
      Apr 25, 83 Wyden, Moody, Boxer, Edwards (OK), Sundquist
                 (Deleted Jun 29, 84), Ferraro, Lewis (FL).
      May 16, 83 Fascell, Martinez, Smith (NJ).
      May 23, 83 Zablocki, Scheuer.
      Jun 13, 83 Carper, Vandergriff, Miller (CA), Annunzio.
      Jun 20, 83 D'Amours, Akaka, Pepper.
      Jun 27, 83 Heftel, Ratchford, McCollum, Harkin (Deleted
                 Aug 10, 84).
      Jul 25, 83 Schroeder, Gephardt.
      Oct  6, 83 Levin, Bates.
      Jan 30, 84 Whittaker.
      Feb 21, 84 Rostenkowski.
      Apr 24, 84 Gibbons, Kaptur, Coughlin, Price, Shannon, Rose.

      May  7, 84 Hawkins, Chappell, Regula.
      May 31, 84 Britt.
      Jun 11, 84 Burton (CA).
      Jun 12, 84 Young (FL), Mazzoli.
      Jun 22, 84 Foglietta, MacKay, Rinaldo, Torres, Fazio.
      Jul 23, 84 Dowdy.
      Jul 25, 84 Conyers.
      Aug  2, 84 Lipinski.
      Sep 12, 84 Anderson.
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Mr. Long. The purpose of my bill is simple, to end the maiming and suffering inflicted upon animals through the use of the steel jaw leghold traps. My bill is not aimed at destroying the fur trade or at completely eliminating trapping in the United States. It would not make mouse and rat traps illegal, bring on an epidemic of rabies, or cause a wildlife population explosion as the trapping lobby would have the public and Congress believe.

Why should we outlaw steel jaw leghold traps if we do not wish to stop trapping?

First, it is the humane thing to do. Humanity is not just for humans. Steel jaw traps are perhaps the single most inhumane form of capturing animals. The traps are constructed in such a way that, when triggered, the powerful steel jaws slam shut with great force capable of crushing the bones of an unfortunate victim. I have one here that I would like to demonstrate.

It cut the pencil in half.

Mr. Scheuer. If anyone would like to——

Mr. Long. This is for a small animal the size of a coyote.

Mr. Scheuer. It sliced through that pencil as if it were cheese. I am glad you are here after breakfast and before lunch—these pictures here will really turn your stomach as they should turn your heart.

Continue.

Mr. Long. That is one that is big enough to capture a bear or human being. I defy anybody to try to open that once it is closed on them.

Animals suffer not only from the initial impact and constant pressure of the jaws cutting off circulation in the trapped limb, but often tear flesh and muscles or break teeth in frantic efforts to escape. Occasionally, after hours of struggling and agony, an animal will escape by gnawing its own leg off—a phenomenon called "wring off" by trappers. The majority however are held captive until the trap line is visited—often days later—leaving them victims of predators or exposed to starvation or death from the elements.

Clearly these traps cause unwarranted injury and suffering. We can and should do the humane thing. This means banning steel jaw traps.

Second, it would prevent wasting the lives of pets and nonfurbearing wildlife. Since steel jaw traps are not selective, many animals unwanted for furbearing pelts are injured or die in these traps.

Appearing with me today is Diane Pearce, director of the Chesapeake Bird and Wildlife Sanctuary, a nonprofit wildlife rehabilitation center located in Upper Marlboro, MD. Ms. Pearce has brought with her a broad-winged hawk—a species protected under the Federal Migratory Bird Act—that was recently caught and maimed in a steel jaw trap. Ms. Pearce informs me that the creature may not survive because of the injuries it sustained.

An isolated incident? Hardly. The hawk is one of thousands of hawks, cats, dogs, owls, cranes, threatened or endangered species such as bald eagles or peregrine falcons and other so-called "nontarget" animals injured or killed by these devices each year. According to some estimates, more than 70 percent of the animals caught in these traps are unwanted by the trapper or "nontarget" animals.

The evidence of the nonselectivity of the steel jaw trap is extensive. It includes not only over 20 scientific studies, but the testimony of hundreds of individuals throughout the country who have written to me to report how their own pets have suffered in the jaws of these traps.

Beyond the myriad of dangers these traps present to animals, there is a very real danger to people who use our nation's woodlands for recreation, and especially to young children living near popular trapping areas. These traps are strong. Large animals cannot force them apart. How could a small child?

Let me point out that a large part of the animals caught in these traps are coming around to the cities. I cannot keep garbage in my garbage pail because of the raccoons that constantly raid it and with that situation you can see how children would get caught in these things.

Third, the traps are unnecessary. Already over 50 nations and the States of New Jersey and Florida have outlawed steel jaw leghold traps without economic hardship or animal or human health problems.

Furthermore, alternatives are available to the trapper. A standard reference on trapping, Animal Traps and Trapping by James Bateman, cites 42 alternative forms of trapping equipment, including leg snares, quick-kill traps and cage traps. It is time these alternatives replaced the steel jaw leghold trap.

Finally, there is widespread public support for a ban on these devices. In the past 4 years, over half a million citizens, from every State in the Union, have written in support of my bill.

I have summarized and rebutted the principal arguments of the trapping lobby against my bill:

The trapping lobby claims: "The traps are necessary for wildlife management purposes and without them there would be a population explosion, a surplus of animals."

I respond: The wildlife population is remarkably self-regulatory. Population is controlled by competition among the species and by the existence of predators. Culling is rarely necessary. Even if culling is needed, my bill does not stop the use of alternative, less injurious devices such as box traps or leg snares for this purpose.

The trapping lobby claims: "The traps are necessary to control rabies and other dangerous diseases."

I respond: According to the U.S. Centers for Disease Control, there is no evidence that trapping reduces either wildlife reservoirs or rabies incidence. In fact Maryland has the highest incidence of rabies in the Nation—yet there are no statewide restrictions on the use of steel jaw leghold traps.

However, should it be necessary to remove rabid or diseased animals, other, less injurious trapping devices are not prohibited by my bill.

The trapping lobby claims: "Banning of steel jaw traps would have extreme economic repercussions on the trapping industry and on individual trappers."

On the contrary, banning these traps should not gut the trapping industry or put individual trappers out of work. The industry and trappers could switch to alternative means of trapping that are easily and currently available and less painful to the animal. Furthermore, wild animals are not the only source of pelt for the industry—pelt is also obtained from ranch-raised mink for example.

The trapping lobby claims: "H.R.1797 would make rat and mouse traps illegal and preclude the use of alternatives such as the Conibear trap as well."

I respond: Baloney. The definition of steel jaw leghold traps in the bill would not make rat or mouse traps illegal. The National Pest Control Association advises that "none of the devices used by pest control professionals for capturing rats or mice have "jaws." However, to make it crystal clear that my bill is only intended to stop use of this one particular device, I would be delighted to work with the committee on either bill or report language to extend the bill's definition to specifically exclude alternative traps.

More humane means of trapping is imperative. My bill provides a very reasonable way to achieve this goal. It prohibits only interstate and foreign commerce in steel jaw traps and articles of fur from animals caught in these traps. It does nothing to stop trade in other trapping devices or in articles of fur captured by other devices. It does not make possession or use of the traps by individual trappers illegal, but instead allows them to go out of use through attrition and through the prohibition on trade. It also provides a 1-year grace period from the date the bill is enacted, for trap manufacturers to switch to the production of alternative traps.

It is my hope that the subcommittee can act expeditiously to report the bill favorably to the full committee and ultimately to the House floor before the end of this session of Congress. For every day we postpone action, thousands of animals continue to suffer needlessly in the jaws of steel jaw leghold traps.

It is going to come, Mr. Chairman, it is just a question of how many poor animals are going to suffer hours of torture between now and then because some people are just either through selfishness or ignorance opposed to this kind of legislation.

Thank you, Mr. Chairman.

Mr. SCHEUER. Thank you very much, Mr. Chairman.

I congratulate you for having had the foresight and the initiative to put this legislation into the hopper and serve thereby as the conscience in effect for the House. I am a little bit puzzled as to the reasons for the opposition to this bill. Do you know of any detriment that the 59 countries that have already prohibited the steel jaw trap have suffered because of this?

Has the trapping industry in these 59 countries suffered as a result of their having banned the steel jaw trap?

Mr. LONG. I know of none, sir. Maybe the witnesses whom I have brought with me today can testify to that but I know of no problem.

Mr. SCHEUER. All right, thank you very much.

We will ask you some further questions when we finish with the panel.

Mr. SCHEUER. Congressman George Brown of California.

STATEMENT OF HON. GEORGE E. BROWN

Mr. **Brown**. Thank you very much, Mr. Chairman. I am pleased to join with my distinguished colleagues here at the table this morning and I want to thank the subcommittee for giving this opportunity to participate.

I would just like to preface my remarks by indicating that this is an issue which is not new to me, it was one of the matters which came to my attention when I first began serving in the California State Legislature back in the late 1950's.

Whether you believe it or not, we still had bears in California at that time, and the issue of the trapping of bears was a very emotional issue before the legislature. That issue has not gone away. That is, the issue of the use of cruel and inhumane methods of capturing animals and I rather suspect it will continue to become more significant in the years ahead.

I am of course grateful to the subcommittee for taking the initiative to hold this hearing. I have had many of my constituents come to me and express their interest in this legislation and of course I want to lend my support to this bill.

I won't belabor the gory details of the pain and suffering that are inflicted on animals who are the victims of these traps. As Chairman Long has indicated, most of the animals caught, a large majority are not even the intended targets of the traps. Many of them are household pets. Even if they are found and released they suffer extensive injuries, often leading to their deaths.

Many States as has been indicated have taken action against this form of trap without adverse effect. I might cite the Florida Fish and Game Commission, for example, which banned these traps as barbaric and inhumane and yet Florida since 1973 when they were banned has recorded its highest harvest of furbearing animals and has actually experienced a reduction in the number of rabies cases.

Many countries have also taken action to ban the trap. My own State has not completely banned steel jaw leghold traps, but it has passed a considerable amount of restrictive legislation which relates to the size and shape of the traps and limits whether they can be tethered, requires that they be checked every 24 hours, must be properly identified, and so forth.

I suspect that many trappers may be coming to the view that it is easier not to use them than to use them with all these restrictions.

Trappers are concerned about how this will affect their industry. They should be reassured by the success of the states where action to ban the traps is already accomplished. If there were no alternatives I think they might be much more concerned but as the exhibits here this morning will show, there are a number of less cruel and just as effective trapping devices. A cable trap such as the E-z-on-em trap which is demonstrated over here is more humane, safer and in many cases cheaper than the steel jawed trap.

I will not describe the trap, the audience can examine them over here on the table.

For us as politicians I think we perhaps—perhaps the most important thing is to know that this legislation has the support of a very substantial percentage of the American public. A survey prepared by Yale University in 1979 reported that 78 percent of all Americans oppose the use of the steel jaw leghold trap. Large amounts of constituent response to this issue support this data. I am constantly amazed at the continuing stream of correspondence that I get from my constituents on this matter and the continuity and the sustained interest that is maintained.

I was reminded of this just last Sunday when I encountered—this is purely anecdotal of course—but encountered a constituent I had not seen in 20 years who assured me they were still supporting me because their original basis of concern was their love for animals and they wanted to tell me that that was still their main concern in politics and I never cease to be amazed by these kinds of dedication.

There is no excuse for allowing more animals to be inhumanely injured and to lose their lives unnecessarily, and, Mr. Chairman, I ask the subcommittee to favorably report this legislation and to allow the Members of the House to show their views on this as quickly as possible.

Thank you very much.

[The statement of Mr. Brown follows:]

CONGRESSMAN GEORGE E. BROWN, JR.

Before the Energy and Commerce Committee's Subcommittee on Health and the Environment
August 3, 1984

Mr. Chairman, I want to thank you and the subcommittee for giving me the opportunity to participate in today's hearing on H.R. 179/, a bill to ban steel-jaw leghold traps in the United States.

First I would like to commend the subcommittee members for taking the initiative in holding a hearing, and commend their research on this issue. The importance of H.R. 179/ has been brought to my attention by many of my constituents who have expressed their opposition to leghold traps, and their support of this bill.

We have all heard the gruesome details of the pain and fear inflicted on animals who fall victim to the hidden traps. Over 70% of those captured are reported as non-targeted prey. Most startling is the shocking number of household pets caught and seriously injured, if not killed, in this manner. Even if found and released, the innocent captive suffers extensive injuries often leading to death. This includes endangered species and mammals that are beneficial to nature.

Some states have taken action against this form of trap without adverse effects. The Florida Fish and Game Commission, for example, banned the leghold trap, referring to it as "barbaric and inhumane." Since 1973 when the traps were banned, Florida recorded its highest harvest of furbearers and a reduction of rabies cases. Sixty-three countries have already banned the use of this type of trap without hurting the animal pelt or trapping industries.

Although my state has not banned steel-jaw leghold traps, it has passed legislation to lessen their severity. Current laws restrict the size and shape of the traps. Large traps and teethed traps are not permitted. The trappers must check their traps every 24 hours. They must also have proper identification on the device, and permission from the property owner to use the trap. Although the traps are not yet completely banned, it is a step in the right direction.

Trappers are concerned about how the legislation will affect their industry. They should be reassured by the success of states and countries using different methods of trapping without negative results. Alternative trapping devices are easily obtained, currently available, and less cruel to the animal. A cable trap such as the Ezyonem trap is more humane, safer, and in some cases cheaper than the steel-jaw leghold trap counter-part. The Ezyonem trap captures the creature with a 270 degree loop noose around the limb, allowing for circulation. Other alternatives include several types of leg snare and cage traps.

This legislation has the support of the American public. A survey prepared by Yale University in 1979 for the U.S. Fish and Wildlife Service reported that 78% of all Americans oppose the use of steel-jaw leghold traps. Large amounts of constituent response to this issue support this data, and the importance of this concern.

In an article entitled "Trapping Agony" Charles Darwin states, "We shall be told that setting steel traps is the only way to preserve game, but we cannot believe that (men) when their attention is once drawn to the case, will let even this motive weigh against so fearful an amount of cruelty."

With the alternatives currently available, there is no excuse for allowing more animals to be inhumanely injured, and lose their lives unnecessarily. H.R. 1797 would help alleviate unneeded pain and suffering.

Mr. Chairman, it is time for the United States to follow the example of other humane countries and take action. Again, I would like to thank the subcommittee for the work it has done.

Mr. WAXMAN. Thank you very much.

Mr. LONG. I want to thank you, Chairman Waxman, for being a cosponsor of this bill. It indicates a great sense of compassion and I think the American people are very grateful.

Mr. WAXMAN. Thank you very much.

I want to hear from our colleague, Congressman Young, and then there may be questions of the three of you if you wouldn't mind waiting.

STATEMENT OF HON. DON YOUNG

Mr. YOUNG. Mr. Chairman, I am neither ignorant on this subject nor selfish. I resent that implication from the gentleman from Maryland. I am the only bona fide legal trapper in the whole Congress, I have trapped for 19 years not only in the State of Alaska but in the State of California.

So I know of which I speak.

Fortunately there are checks and balances in this system and I am sure this bill will have further scrutiny as it goes forth through the halls of justice.

For the gentleman from New York, may I remind him that Alaska is not the largest trapping State in the Union; it is the largest State, but New York catches more fur than the State of Alaska does. Yet, New York has not passed any legislation against the leghold trap.

I would suggest respectfully for the gentlemen of the committee and the gentlemen of the panel that they let the States do their thing, as New Jersey and Florida have done in the past.

I would like to address the issue—and we will say monetary issue. The State of Alaska will lose approximately $10 million to $15 million per person, or per trapper, or the trappers collectively. When I say that, these people are people that are not wealthy, regardless of the oil we have; but these people live off the land. It is the one cash-flow they have averaging probably $1,000 a year. It is the one area in which they can participate in a productive society and with a renewable source of income in an area where they are not living off the welfare or the proposed programs that sometimes emanate from this Congress.

In the State of New York alone, it is approximately a $1 billion industry—a $1 billion industry.

I am sure you will hear the proponents argue the use of the leghold trap is inhumane. I have already heard there are substitutes available. The leghold is responsible for killing off nontarget animals, including cats and dogs; I won't deny that. But I ask: What are the cats and dogs doing loose, to begin with? Why is that dog not on a leash, when there are leash laws in every State of the Union and every borough? Why are the cats loose? Because people, being humane, went out and turned them loose from their car to run wild and to be predators themselves.

The leghold trap, when properly used, as the gentleman from California mentioned, allows trappers to capture animals and release them without damage. You cannot do that with a snare. It is dead.

We talk about the leghold snare; it is not workable. The snare is used primarily for strangulation. You cannot do it in any way, shape or form with the Conibear. The Conibear is an instantaneous death, the breaking of the back. It is also one that can kill a child where the leghold trap would not.

The key is proper use. Just as an intoxicated driver can lead to massive death and destruction, so can an improperly used trap. Along those lines, let's remind ourselves there are more furry animals, more domestic pets killed, 15,000 times over than what is caught by a leghold trap, by the automobile.

I live in Great Falls, VA, 20 miles away. Because some of the Members of this body have put a limitation on our outside earned income and clipped coupons on unearned income sometimes, and because I have been a working trapper and riverboat captain, that I now thought I would run a trapline from my home to Capitol Hill, not using traps as these people talk about but picking up what has been killed, maimed, crippled by automobiles. On the average day, 25 fur-bearing animals are destroyed by automobiles one way or another over the George Washington Parkway—be it coons, be it possum, be it deer. And, yes, lots of domestic animals—dogs and cats. But I don't hear anybody in this Congress talking about banning the interstate transportation of automobiles or anybody talking about massive destruction by automobiles.

I hear an emotional issue which I have addressed for the last 12 years where we are meddling in other States' business. Animals are caught by traps and do suffer pain; I will not deny that. However, the pain is no worse than is suffered by a rabbit caught in the claws of an owl or a hawk, or a beaver whose back is broken by a wolf. And I don't think any of you have ever seen that, but I have. Have you ever heard a rabbit holler when it is caught in the claws of an owl?

[Mr. Young demonstrates sound of rabbit caught in the claws of an owl.]

Mr. YOUNG. That is what they sound like. That is a predator, just as man is a predator.

I am suggesting respectfully that the leghold trap properly used is a tool for proper management.

Now, we talk about using the cage traps. That shows the lack of knowledge that many people will convey to you today. The trapline that I used to run is 300 miles long. That is actually larger than some of the States in most of your districts on the committee—300 miles long with a setting of a thousand traps and snares.

I don't know any way in a wilderness area—that you helped to build—that you could use that type of trap. If you pass this law—because we are not a contiguous State; we have no, what we call, finished industry in the State of Alaska—you are depriving the first Americans of a livelihood that is part of their culture and their heritage.

I suggest, my good friends, that as I listen to this testimony, and I am sure later on today as I look at these traps on the table, there are many in this room that can set this trap. The gentleman from Maryland talked about this beartrap, and again I will state to you, Mr. Chairman, as I did 4 years ago, 5 years ago, 6 years ago, 8 years ago, whoever owns that trap is breaking the law, in my State at least, Mr. Chairman. Now, I don't know where it came from, but that is a trap that is illegal and is no longer used. If it is not inoperative, the person or agency that owns that trap is guilty of a crime.

There is nobody in this room that can set that trap, by the way. You are absolutely correct. No one can set that trap. And if it did snap on someone's leg, I doubt if there would be a leg available. But it is no longer used.

I am surprised the gentleman from California says they still trap bears in California with that type of trap. We don't do it in the State of Alaska. That is a symbol of the emotionalism, the showboatiness for the TV that will occur today—like putting the pencil in the trap to snap it and breaking the pencil. You can do that with a mousetrap, I will tell the gentleman from New York, if you would like to try it.

Now, someone asked me before why don't I do like I did in the past, where I put my hand in that trap. I am sure before this is over that will happen, to show you that it is not what some would have you believe. The breaking of a pen—I can break it between my fingers.

Mr. Chairman, I looked at the witness list and Mr. Amory is here again, probably with the dishonest statements he made about making films in Canada that were staged—and I have that on documentation. I say this is nothing more than an attempt to stop all trapping in America. I suggest respectfully, let the States do as those people wish to do. Other States have put this on the referendum, and it has failed. Of course, there are probably 71 percent of the American people against leghold traps. They have never seen one, other than through the propaganda that has been fed to them.

But you are dealing with not only the animals' lives; you are dealing with a tool of management which, when properly used, can harvest and also provide an income to those that are not so fortunate to live next to the subway, smog-filled highrise, heavily rented district.

Mr. Chairman, I suggest respectfully, although I may not be popular on this issue, I am going to survive on this issue because we are correct. As I have said, I know of which I speak. I am the only legal, licensed trapper in the U.S. Congress.

Thank you, Mr. Chairman.

[The statement of Mr. Young follows:]

STATEMENT OF HON. DON YOUNG

Mr. Chairman, members of the Subcommittee, I am here today to testify in strong opposition to HR 1797, a bill designed to destroy the U.S. fur industry and hamper sound wildlife management. Following today's hearings, I urge the Subcommittee to take no further action on this bill.

Under the provisions of HR 1797, trappers will no longer be allowed to use leghold traps and fur buyers will not be allowed to purchase or ship furs obtained through the use of leghold traps. The result will be a loss of $5 to $10 million per year in Alaska alone, and $300 to $400 million per year nationally. This estimate, incidentally, is the loss just to trappers; it does not include the loss to fur buyers, manufacturers, garment workers, or retailers. The domestic fur industry is one of the few that demonstrates a positive trade balance; this bill will end that favorable situation.

I am sure that proponents will argue that the use of the leghold trap is inhumane, that substitutes are available, and that the leghold trap is responsible for the killing of non-target animals, including dogs and cats. I suggest that all of these arguments be rejected.

The leghold trap, when properly used, allows trappers to capture animals and release them without damage. The key is proper use. Just as an automobile in the control of an intoxicated driver can be a vehicle for massive death and destruction, so can an improperly used trap of any type cause unnecessary injury. Yet, I have never seen this Subcommittee or any other group in this Congress call for the banning of automobiles. If the members sponsoring this bill wish to act responsibly, I suggest that they work with trappers and wildlife managers to establish State education programs that provide proper instruction in trapping.

Animals caught in traps can suffer pain. However, the pain is no worse than that suffered by a rabbit caught in the claws of an owl or a beaver whose back is broken by a wolf. Wild animals live violent natural lives; a trapper is simply another predator who takes prey in a different manner.

As for substitutes, I submit that many do not work and others work far too well. Live traps simply are too big to be carried on traplines, especially in rugged remote areas in my State of Alaska. They also will not catch many species normally taken by trappers. Conibear and other "killer" traps can be too effective: if a non-target animal is accidentally caught in a killer trap, it cannot be released; it will be dead. Advocating the sole use of such traps seems to me to be a rejection of sound wildlife management principles.

As for the capture of non-target animals, good trappers will not set in areas of frequent human use. Again, this goes back to the need for education. In addition, I question the logic of anyone who opposes trapping because dogs and cats are occasionally caught in traps. If these individuals cared about their pets, they would not let them run wild. A dog or cat left free to roam without human supervision becomes in effect a wild animal and pet owners are as much—if not more—to blame for any accidental harm to their pets.

Mr. Chairman, this bill is nothing more than an attempt to stop all trapping in the United States. The proponents do not care about wildlife management, do not care about the economic needs of rural residents, do not care about the maintenance of a domestic fur industry. This legislation should be rejected.

Mr. WAXMAN. Thank you, Mr. Young.

Gentlemen, thank you for your testimony. I just want to pursue a few questions. I apologize for coming in late, and I thank Congressman Scheuer for starting the meeting.

Mr. Young, your testimony was, I thought, rather provocative.

Mr. YOUNG. I actually hope it was, Mr. Chairman, because I don't believe this bill is correctly proposed in the Congress. It is an attempt to eliminate the income from many of the little people of the United States—not the urbanized people; the little people.

Mr. WAXMAN. I can see you have very strong feelings about it.

The real issue, it seems to me, is are there alternatives? Do you deny there are alternatives——

Mr. YOUNG. There are——

Mr. WAXMAN [continuing]. That would keep the fur industry somewhat viable?

Mr. YOUNG. Not in the State of Alaska, there is no alternative that would work, and I doubt in the rest of the United States.

The key to this is proper education and proper use of the trap. The true trapper rarely does anything that is purveyed today or will be. It is what I call the amateur trapper, the one that would like to go out, set a trap, don't look at it respectively, possibly doesn't know how to set it or where to set it. A true trapper is like anybody else that professionally tries to stay out of urbanized areas, and he should stay out of those areas.

But, in fact, I can't carry that basket of fur a thousand miles with a dog team. I cannot——

Mr. WAXMAN. I am going to have to assert my prerogatives, because I have only a limited period of time.

Mr. Young. Fine.

Mr. Waxman. Let me ask you specific questions, because I want to cover some ground.

You say you don't think the alternatives will work and allow the fur industry to survive. What about in the 59 countries where they do have a prohibition of this trap?

Mr. Young. Because they have no animals. That is exactly right. They have been so far mismanaged they have no animals.

By the way, most of those countries import furs from us.

Mr. Waxman. We are going to hear from people from Sweden.

Mr. Young. I believe you will hear from Sweden, all right. I understand the Swedish gentleman is going to testify today. But I would suggest respectfully that we also get some people from Sweden that have a different point of view.

I happen to know some Swedish dealers. You know, it is easy to stack testimony, my friend.

Mr. Waxman. You don't really believe the fact that animals are killed on the road is a justification for killing them in traps, do you?

Mr. Young. Why don't we adddress that issue. It is an issue, and phenomenal. Remember, 15,000 times more than all animals caught by traps are killed on the highway, including domestic animals.

Mr. Waxman. Does that justify——

Mr. Young. No, but we are talking about a management tool that has to be properly used. And when you don't accept that, you don't understand that leghold traps, yes, inflict pain, but it isn't a killer trap; it is selective. And, when properly used, you know what you will catch. I knew. I didn't catch a hawk in any of my traps.

Mr. Waxman. Is it a management tool, or is it a commercial——

Mr. Young. It is a management tool. It is also commercial. And, in many of the cases, it is for the little man, the little trapper. You don't see any big, wealthy trappers. The average income is $5,000.

Mr. Waxman. Should it make a difference to us if it is a big corporate structure or a small man?

Mr. Young. If you believe in allowing the individual to make a living, yes.

Mr. Waxman. There were small owners of slaves in this country, and that didn't justify slavery because they were small owners of slaves any more than it justified if they were big owners of slaves. There are some things we have to decide whether we want to permit to continue——

Mr. Young. Then let the people decide in the States. Let this be a State issue.

Mr. Waxman. OK.

Mr. Young. All right?

Mr. Waxman. Mr. Long and Mr. Brown, from your testimony you disagree with our colleague. Do you think there are other alternatives?

Mr. Long. My colleague from Alaska is saying that we have got to continue the steel jaw leghold trap because if we don't, there are no alternatives but to eliminate trapping. I think that is a very shortsighted view. It assumes that in all the long history of trapping there is no way of catching animals that is as important to this system they are using now which has been going on for a long, long time.

I say that the reason why we are using this system is because no one has had a real incentive to change it; and once you get the incentive to develop another method, we can get one.

Mr. YOUNG. Mr. Chairman, may I respond to that?

This is not a new subject. They have tried every trap they can imagine. In fact, there will be a trap, I believe, displayed that has a cushioned jaw. A cushioned jaw supposedly inflicts no pain, but it is still a leghold steel trap. We have tried those in the past, and this may work, and hopefully it will work, because modern technology of some of our petrochemical activities allows us to build a substance that can stand the cold and wear and tear and other factors.

The key to it is the leghold trap is selective. The other alternatives are not selective. You have to keep that in mind. They are not selective. The Conibear trap, the one sitting right over here, will kill instantaneously. I quit using them for that reason.

Mr. WAXMAN. You have given us the perspective for opening this hearing, but let me remind everybody here we have two pages of witnesses who will go into these issues. So we want to hear from them, as well.

I guess the key questions being raised are exactly the points that the three of you raise: Are there alternatives? Does it do harm to the economy? Is it a humane thing to do? And what would be the consequences if we left it to the States? What has been the practice and experience of other countries that have passed similar laws? These are the relevant questions we will look into, and I appreciate the three of you touching on them.

Let me ask my colleague, Mr. Scheuer, if he wants to ask any questions. If he does, I want to recognize him.

Mr. SCHEUER. I have already asked the witnesses questions.

Mr. WAXMAN. I want to thank you for being with us and opening the hearing.

Mr. LONG. Thank you very much, Mr. Chairman. And I hope we can report this out of your committee to the Congress so we can all get a chance to vote on it. Thank you very much.

Mr. WAXMAN. Our second panel includes the Honorable Ronald Lambertson, Associate Director for Wildlife Resources, U.S. Fish and Wildlife Service, Department of the Interior; Greg Linscombe, chairman, Fur Resources Committee, International Association of Fish and Wildlife Agencies; and Dr. Jan Englund, assistant professor, Section for Vertebrate Zoology, Swedish Museum of Natural History.

I want to welcome you to our subcommittee hearing today. Your prepared statements will be made part of the record in full.

What we will ask each of you to do—and we have a very long list of witnesses—is to summarize your statements in 5 minutes. I will be using an alarm clock. It is unfortunate, but it is the only way to keep on track and give everybody a chance to testify and give an opportunity for the members to ask questions and get answers. When the bell rings, that means the 5 minutes is up. And the statement will be part of the record. But we will ask you to make a concluding sentence, and no more than that, at that point.

Mr. Lambertson.

STATEMENTS OF RONALD LAMBERTSON, ASSOCIATE DIRECTOR FOR WILDLIFE RESOURCES, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR; GREG LINSCOMBE, CHAIRMAN, FUR RESOURCES COMMITTEE, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES, AND ALSO ON BEHALF OF LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES; AND JAN ENGLUND, ASSISTANT PROFESSOR, SECTION FOR VERTEBRATE ZOOLOGY, SWEDISH MUSEUM OF NATURAL HISTORY, STOCKHOLM, SWEDEN

Mr. LAMBERTSON. Thank you, Mr. Chairman. I appreciate the opportunity to testify on this bill today.

The U.S. Fish and Wildlife Service is vitally concerned about animal welfare for both the individual and for populations as a whole. Many populations of animals derive benefits from regular cropping. The leghold trap is the best tool available for achieving that objective for furbearers and some more adaptable and intelligent predators.

We take no satisfaction from the fact that certain individual animals may have to suffer for the good of the population as a whole. Our solution is not to ban the steel jaw trap but to modify it to lessen the likelihood that nontarget animals will be captured and reduce the pain felt by those that are captured.

Mr. Chairman, while we continue to search for the most humane way to capture wildlife, the steel jaw leghold trap still has no effective replacement. Opponents of the use of this trap like to point out that a number of countries have outlawed or restricted the use of this device. It should be noted, however, that the diversity of wildlife species, population levels and capture requirements vary considerably among different countries.

Wise management practices have produced and sustained an abundance of wildlife in our country. If we are to continue effective management of this heritage, we must continue to develop, utilize and support effective management tools and techniques.

Some of the alternatives to the leghold trap such as the body grip traps and set-to-kill snares are useful in some situations but they can present a great hazard to nontarget animals. Snares in particular are probably the most common trapping devices worldwide yet they have been ruled illegal in many of our local jurisdictions because of the problems that they present.

Foot snares which have been supported in some parts of Canada as a replacement for the leghold trap are useful in capturing certain species under certain conditions. However, our evaluations have revealed them to be seriously damaging to most animals, resulting in loss of the entangled extremity when the animal is left in the snare.

Assuming the trappers run their trapline in a responsible manner, animals are far less likely to suffer permanent injury from an encounter with a leghold trap than if caught in a snare or body grip trap.

Each of the various alternative capture methods including the leghold trap has its proper place and use. The wise and responsible management of this country's wildlife calls for a diversity of tools and techniques so that the best possible approach can be taken.

The Service and trap industry have improved the selectivity of steel jaw traps by modifying trapping techniques and through research and development of what is called trap-pan tensioning devices. These devices are selective for animals which exceed a programmed body weight and do not allow the trap to be activated by nontarget animals of lesser body weight.

In an effort to minimize potential self-inflicted injuries to trapped animals, the Service is currently evaluating traps with padded jaws and modifications of the attachment method of the chain used to secure the trap. We have also invested a great deal in evaluating various attractants to identify which can be most effective on different animals.

The loss of the use of the steel jaw leghold trap would seriously limit our ability to monitor and control various disease outbreaks dangerous to humans such as rabies, plague, and various forms of encephalitis. Of equal concern would be the reduction of the Service's ability to reduce crop and livestock damage caused by predation.

As the primary Federal agency responsible for controlling wild animal damage, the Service is directed to reduce animal damage and conflicts as much as possible. Loss of the use of the steel jaw leghold trap would seriously hamper our ability to control such damage and depredation. This loss in ability would necessitate an increased dependence on chemical toxicants and other less effective control techniques, none of which could effectively replace this control method.

In addition, the management of resident furbearers is today and has historically been regulated by the respective States. The leghold trap is the principal tool used to accomplish State management objectives for furbearers. An additional problem that this bill would cause is enforcement of the provisions concerning commerce and shipment of furs from animals caught in steel jaw leghold traps which would be very difficult if not impossible to enforce. Most furs are prepared in such a way that it would be impossible to determine the capture technique or method. It would be even more difficult to determine the source of furs used in final products.

In summary, Mr. Chairman, we are opposed to this bill and similar bills. Thank you.

[The statement of Mr. Lambertson follows:]

STATEMENT OF RON LAMBERTSON, ASSOCIATE DIRECTOR FOR WILDLIFE RESOURCES, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR BEFORE THE HOUSE ENERGY AND COMMERCE COMMITTEE, SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT, ON H.R. 1797, A BILL TO END THE USE OF STEEL JAW LEGHOLD TRAPS.

AUGUST 3, 1984

Mr. Chairman, I appreciate the opportunity to testify on H.R. 1797. The bill would prohibit the shipment in interstate or foreign commerce of steel-jaw leghold traps and the articles of fur from animals trapped in those devices. This would involve raw or dressed furskins and any article consisting in whole or in part of a furskin. In addition, the bill would require the Secretary of Commerce to prescribe regulations necessary to carry out the policy of the Act. Any person violating any provision of the Act or regulation of the Secretary of Commerce would be subject to a criminal penalty of not more than $1,000 for the first offense and not more than $5,000 or imprisonment for not more than two years for the second and subsequent offenses. The bill would take effect one year after enactment and would apply to furs from animals trapped after the effective date.

The stated purpose of the bill is to end the use of steel-jaw leghold traps on animals in the United States and abroad. The bill would set a National policy to end "maiming and suffering" inflicted upon animals through the use of steel-jaw leghold traps.

Mr. Chairman, the Service is vitally concerned about animal welfare for both the individual and for populations as a whole. It should be recognized, however, that nature can be a cruel arbitrator in achieving a balance between wildlife and the available food and shelter resources. Starvation, sickness and disease can cause a considerable amount of suffering for wild animals. Many populations of animals derive benefits from regular cropping. The leghold trap is the best tool available for achieving that management objective for furbearers and some of the more intelligent and adaptable predators. We take no satisfaction from the fact that certain individual animals may have to suffer for the good of the population as a whole. Our solution is not to ban the steel-jaw trap but to modify it to lessen the likelihood that non-target animals will be captured and reduce the pain felt by those that are captured.

Mankind, as you know, has long since achieved the ability to alter its surroundings to achieve its own purposes. These alterations frequently do not benefit wildlife. Wildlife stressed by undesirable changes in its environment become more susceptible to the ravages of sickness and disease. These diseases sometimes adversely impact human populations. Presently, for example, wildlife managers and public health officers are becoming increasingly concerned about the increasing incidence of rabies and plague, to name only two wildlife vectored diseases. The leghold trap is the most versatile and thus the most important tool in our arsenal to combat these problems when they reach serious proportions.

Mr. Chairman, while we continue to search for the most humane way to capture wildlife, the steel-jaw leghold trap still has no effective replacement. Opponents of the use of this trap like to point out that a number of "more enlightened countries" have outlawed or restricted the use of this device. It should be noted however, that the diversity of wildlife species, population levels and capture requirements vary considerably among countries and among our own States. Wise management practices have produced and sustained an abundance of wildlife in our Country. If we are to continue effective management of this heritage, we must continue to develop, utilize and support effective management tools and techniques capable of meeting the needs present in our Country. Some of the alternatives to the leghold trap, such as body-grip traps and set-to-kill snares, are useful in some situations but can present a greater hazard to non-target animals than leghold traps. Snares in particular are probably the most common trapping device worldwide, yet they have been ruled illegal in some places because of perceived local problems. Foot snares which are being supported in some parts of Canada as a replacement for the leghold trap are useful in capturing certain species under certain conditions. However, our evaluations have revealed them to be seriously damaging to most animals and result in loss of the entangled extremity when the animal is left in the snare for any length of time. Assuming that trappers run their trapline in a responsible manner, animals are far less likely to suffer permanent injury from an encounter with a leghold trap than if similarly caught in a snare or body-grip trap. Each of the various alternative capture methods including the leghold trap has its proper place and use. The wise and responsible management of this Country's wildlife calls for a diversity of tools and techniques so that the best possible approach can be taken in each management situation.

The Service and the trap industry have improved the selectivity of steel-jaw traps by modifying trapping techniques and through research and development of trap-pan tensioning devices. These devices are selective for animals which exceed a preprogrammed body weight and do not allow the trap to be activated by non-target animals of lesser body weight. In an effort to minimize potential self-inflicted injuries to trapped animals, the Service is currently evaluating traps with padded jaws and modifications of the standard attachment method of the chain used to secure the trap. We have also invested a great deal of effort in evaluating various attractants to identify odors attractive to specific species. Use of these attractants greatly increases selectivity. Trappers can be educated to conduct their operations to minimize suffering and reduce the number of non-target species caught. We believe that our approach will progressively limit the less desireable side effects associated with trapping.

Mr. Chairman, the present issue concerns the means by which certain wild animals may be taken, not whether they should or should not be taken. We believe that equal consideration must be given to the need for reducing wildlife populations, especially when they exceed the capacity of the environment to support them, when they cause various kinds of damage and when they present a hazard to human health. Considering one factor without the other, in our opinion, would not be wise when making resource decisions which affect many species. The main objective should be to manage and harvest wildlife populations, as needed, in the most effective way available. The loss of the use of steel-jaw leghold traps would seriously hamper the sound management of many wildlife populations. Efforts to capture, study and release many species, including species which are on the Federal Endangered Species list such as the Red Wolf, Mexican Wolf and Nothern Timber Wolf, would be impractical if not impossible. Dr. David Mech, a Service research biologist, reports that in his research, one Nothern Timber Wolf has been captured and released using steel-jaw traps nine times without any lasting damage to the animal. Of equal concern would be the reduction in the Service's ability to reduce crop and livestock damage caused by predators.

As the primary Federal agency responsible for controlling wild animal damage, the Service is directed to reduce animal damage and conflicts as much as possible while maintaining wildlife resource values as a public trust. This obligation is a delicate issue but the stakes are very high. In the Service's environmental impact study on the effects of the Animal Damage Control Program which was prepared in 1978, the loss of livestock to predation was estimated to cost the American consumer $102 million annually. Damages caused by beaver to timber in the southeastern forests between 1970 and 1980, have been estimated at $1 billion, by the American Forestry Association and the American Fur Resources Institute. Loss of the use of steel-jaw leghold traps would severely hamper the Service's ability to control such damages and depredations. This loss in ability would necessitate an increased dependence on toxicants (there is currently only one registered for coyote control and it is not available for use in all States), aerial hunting (this method is very specific but increasingly expensive and presents a serious hazard to employees), and other less effective control techniques, none of which would effectively replace the loss of leghold traps. The loss would also limit the Service's ability to monitor and control various epizootic outbreaks such as rabies, plague and various forms of encephalitis.

During the past 12 to 15 years, between 40% to 50% of all predators taken by the Fish and Wildlife Service's Animal Damage Control Program were taken by leghold traps. More than 90% of all furbearing animals taken by private trappers were also captured by these devices. Other trapping techniques exist, but none are as effective or versatile as the steel-jaw leghold trap. Neither do they account for a significant percentage of the animals caught in other animal damage control efforts or annual fur harvests.

An issue of increasing concern affecting all species of wildlife is loss of habitat. One of the trends that we have detected is the permanent alteration of habitat by land owners who were otherwise faced with unacceptable wildlife conflicts. Many resource problems are permanently solved in this manner, however, wildlife permanently suffers. We feel that the loss of effective control techniques to both professional and private concerns would escalate this trend.

An additional problem that this bill would create is enforcement of the provisions concerning commerce and shipment of furs from animals caught in steel-jaw leghold traps, which would be very difficult if not impossible. Most furs are prepared in such a way that it is impossible to determine the capture method. It would be even more difficult to determine the source of furs used in final products.

Mr. Chairman, the conservation and management of the Nation's wild furbearers requires regular harvest of surplus animals. Such management is essential to the well-being of many species of wildlife. The management of resident furbearers is today and has historically been regulated by the respective States. The leghold trap is the principal tool used to accomplish State management objectives for furbearers. Federal regulation of management methods would have the two-fold impact of reducing the States' ability on the one hand and injecting the Federal government into the management of resident species on the other. Federal regulation would also impose the burden of enforcement and other expenditures upon Federal agencies.

The provisions of this Act would seriously interfere with the Service's animal damage control operational, contract, and extension programs with the States. Enactment would make control efforts significantly more time consuming, expensive and difficult for individual landowners, farmers, ranchers and timber producers attempting to protect their property against animal damage. Consumer costs for various agricultural commodities would surely increase due to increased costs of control efforts and unavoidable increases in predation. The fur industry would be seriously impacted causing a loss of income to many private trappers as well as landowners who routinely supplement their income through fur harvests. Control efforts and enforcement activities would require additional funding and tax revenues would be lost due to lost trade in furs, fur products, import duties and lost income of producers due to increased predation.

In summary, Mr. Chairman, we are opposed to H.R. 1797 and similar bills.

Mr. Chairman, this concludes my testimony. I will be glad to answer any questions you or other committee members may have.

Mr. **Waxman**. Thank you very much, Mr. Lambertson.

Mr. Linscombe.

STATEMENT OF GREG LINSCOMBE

Mr. **Linscombe**. I am Greg Linscombe. I am here to represent the Louisiana Department of Wildlife and Fisheries by which I have been employed for the past 12 years. Also, I am chairman of the Fur Resources Committee of the International Association of Fish and Wildlife Agencies and I am speaking on behalf of that association.

All 50 State wildlife agencies are members of the International Association of Fish and Wildlife Agencies, as are six Canadian provinces. A principal objective of the association is to encourage rational, scientific wildlife management. Our member agencies have the legal responsibility and authority for managing the fur resources of this continent. As a consequence they have a direct interest in this bill because it would, for all practical purposes, eliminate a major tool by which many forms of wildlife, including problem animals, are managed.

Halting the interstate shipment of furs taken with leghold devices and eliminating the interstate shipment of the devices themselves would not only halt the management of furbearers, it would bring an end to the fur industry in the United States.

The International Association of Fish and Wildlife Agencies is, therefore, strongly opposed to the legislation.

There have been many hearings over the years on this emotional subject. Nothing in the previous considerations of the issue have ever persuaded Congress to legislate in this area. The need for improving the steel trap and for employing the most humane methods of harvest that are available has long been recognized by the International Association and its members. Continued advancements in trap design have been made during the past years. Trapper education, and visitation regulations have also contributed to a steady improvement in the efficiency and humaneness of traps.

A new padded trap is presently being tested by the Fish and Wildlife Service, several State members of our association, and in Canada. The continued improvements in leghold traps should eliminate many of the objections based on humanitarian grounds. Obviously these improvements will not remove the objections of those who are philosophically opposed to the taking of wildlife by any means.

This of course includes most of the proponents of legislation to ban the use of leghold traps. This legislation would inject the Federal Government into the management of resident wildlife resources, a responsibility which has been traditionally and logically vested with the individual States.

What is at stake is not just the very simple and justifiable desire to employ the most humane methods possible, rather you are considering the intelligent use of a renewable fur resource, the significance of professional wildlife management, and the authority, responsibility, and capability of State agencies to carry out management programs employing such methods as they deem appropriate.

The proposed legislation can in no sense be considered a conservation measure. Fur resources of this country are healthy, the States have legislation, regulations, and intact management programs. Trapping is employed to harvest furs, to prevent or control damage, to protect habitat, and to reduce the spread of disease.

Nationally between 400,000 and 500,000 men, women, and young people trap and sell furs each year worth between $200 million and $400 million. My State of Louisiana leads the United States in fur production averaging about $13 million annually. Louisiana alone has more than 6,000 families that receive a major portion of their income from trapping. The association and its member States and provinces actively support and work towards an improvement in capture techniques and refinements in the traps.

Fur resource management, the maintenance of the industry, and wildlife management in general, still require the use of steel traps. This should not be prohibited.

The Louisiana Department of Wildlife and Fisheries will submit a separate written statement. [See p. 733.]

Thank you, Mr. Chairman.

[The statement of Mr. Linscombe follows:]

STATEMENT OF GREG LINSCOMBE FOR INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES TO HOUSE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT ON HR 1797, A BILL TO BAN LEGHOLD TRAPS

August 3, 1984

Mr. Chairman, my name is Greg Linscombe. I am here to represent the Louisiana Department of Wildlife & Fisheries by which I have been employed for the past 12 years. Also, I am chairman of the Fur Resources Committee of the International Association of Fish and Wildlife Agencies and I am speaking on behalf of that Association.

All 50 state wildlife agencies are members of the International Association of Fish and Wildlife Agencies, as are six Canadian Provinces. A principal objective of the Association is to encourage rational, scientific wildlife management. Our member agencies have the legal responsibility and authority for managing the fur resources of this continent. As a consequence they have a direct interest in this bill because it would, for all practical purposes, eliminate a major tool by which many forms of wildlife, including problem animals, are managed. ~~Under present circumstances, the combination of~~ Halting the interstate shipment of furs taken with leghold devices and eliminating the interstate shipment of the devices themselves would not only halt the management of furbearers, it would bring an end to the fur industry in the United States. ~~to no useful purpose.~~

The International Association of Fish and Wildlife Agencies is, therefore, strongly opposed to the legislation. ①

There have been many hearings over the years on this emotional and controversial subject. Nothing in the way of facts or conclusions in previous considerations of the issue has ever persuaded the Congress to legislate in this area.

The need for improving the steel trap and for employing the most humane method of harvest that are available have long been recognized by the International Association and its members . Continued advances in trap design have been made during the past several decades. Traps with variable tension settings, the use of swivels, the method of placement, and improved design are some of these. Trapper education, trap visitation regulations, and improved trap design have all contributed to a steady improvement in the efficiency and humaneness of traps. A new padded jaw trap is presently being tested by the Fish and Wildlife Service, by state members of this Association and in Canada. The continued improvements in leghold traps should eliminate many of the objections based on humanitarian grounds. Obviously it will not remove the objections of those who are philosophically opposed to the taking of animals by any means. This, of course, includes most of the proponents of legislation to ban the use of leghold traps.

This legislation would inject the Federal Government into the management of wildlife resources. The harvest of resident wildlife whether with traps—or otherwise— is a responsibility which has traditionally and logically been vested with the individual states. The state fish and wildlife managing agencies determine what method of wildlife harvest will be employed--whether this relates to the type of gun, ammunition, the type of fishing gear, or of the many varieties of traps to be permitted in a given situation. It is a management decision best made by state officials, in relation to local conditions of the resource, based on the professional recommendations of their respective staffs.

What is at stake is not just the very simple and justifiable desire to employ the most humane method possible. Rather, you are considering the intelligent use of renewable resources; the significance of professional wildlife management; and, the authority, responsibility and capability of the state fish and wildlife agencies to carry out management programs employing such methods as each deems appropriate and as authorized by state legislatures,commissioners and by responsible administrators.

The proposed legislation can in no sense be considered a conservation measure. The fur resources of this country are healthy. The states have fur legislation, regulation and management programs.

Trapping is employed to harvest furs, to prevent or control damage, to protect habitat, to reduce the spread of disease, and for other purposes.

While others will speak to the point of the importance of the fur resource to state, regional and national economies, let me point out that between 400,000 and 500,000 men, women and young people trap and sell furs each year worth from $200-400 million dollars. Many thousands more are involved in the rest of industry. While my state, Louisiana, leads the United States in fur production, harvesting an average of $13 million dollars in fur every year, many other states also support a substantial fur industry. In Louisiana more than 6,000 families receive a large portion of their annual income from trapping.

This Association and its member states and provinces actively support and work towards an improved method of capture and refinements in the use of traps. Fur resources management and the maintenance of the fur industry, and wildlife management in general, still requires the use of steel traps. That use should not be prohibited.

Mr. Chairman, we appreciate the opportunity to present our view on this legislation.

Mr. **Waxman**. Thank you very much for your testimony.

Dr. Englund.

STATEMENT OF JAN ENGLUND

Dr. **Englund**. Congressmen, ladies and gentlemen, I am Jan Englund, assistant professor at the Swedish Museum of Natural History in Stockholm, Sweden. According to my opinion the steel traps are not needed; they are cruel and need much time of preparation.

There is no need to have them since there do exist humane and good alternatives, at least for winter conditions. In fact, several thousand trappers in Sweden have used foot snares for several years now and they are effective.

The steel jaw trap was banned in Sweden in 1967 and last fall they were banned in Finland, also. I better go to my discussion.

Trapping red foxes (Vulpes vulpes) has been practiced for a very long time in the northern half of Sweden. The data given here refers to foxes caught in three different kinds of devices, the Victor Long spring steel trap No. 2 and 3, the same kinds of traps with all iron parts covered with plastic tubes and a new foot snare invented by Jan Aberg in Fallbacken, Skellefted, Sweden.

In contrast to American trappers ours only trap in winters when snow conditions are good and temperatures below freezing. The steel traps and also nowadays the snares, are dug into the snow below the footprints. The tracks from the trapper are filled in with snow which is smoothed over with a foxtail. The trap is fixed by a 1 to 2 meter long chain or wire which is attached to the middle of a 1 meter long and about 4-5 cm thick stick which is laid loosely in the snow. Scent or bait is not used.

Molars (M) and premolars (P) were examined for injuries, usually after boiling and cleaning the skulls. Foxes were classified in four groups, (1) those with no, (2) small, (3) medium, or (4) severe dental injuries. The number of severely injured M- and P- teeth was also recorded.

Small injuries were defined as those where only the tips of the teeth had been destroyed, up to 2 mm, medium included foxes with 1 or more teeth broken or worn down nearly halfway or more. If parts of the jawbone were worn down, the injury was classified as severe. The number of severely damaged teeth refer to the number of sockets where the jaw had been damaged.

The toes, feet, and legs of specimens which had not been skinned were examined for the presence of galls, larger than 1 sq. mm, and to assess whether toes and limbs were out of joint or if any bones were broken.

A total of 1,651 foxes were examined. Of these, 1,374 were taken in unmodified leghold traps, 154 in plastic covered legholds, and 123 in footsnares. Approximately 90 percent of the foxes captured with leghold traps were caught with Victor No. 2 and the remainder in No. 3.

As can be seen in table 1, the proportion of severely injured foxes is higher among older foxes, increasing from about 19 percent among juveniles to 64 percent among foxes older than 4 years. The mean of all foxes was 38 percent and the mean of the means, for the different age classes, was 51 percent.

The cover of plastic reduced the injuries to about 13 percent for all ages, or 20 percent for the mean of the means. Since traps covered with plastic were used only one winter and with a very high proportion of juvenile foxes, a comparison of the mean of the means gives a more true picture. The plastic then reduced the percentages of severe injuries somewhat more than a half or from 51 to 20.

The number of teeth worn down into the jawbone is also high among the steel trapped foxes. Since foxes chewed the plastic into pieces, mostly on the front spring, the plastic did not reduce the amount of severity among the severely injured foxes.

Mean number of teeth worn down into the jawbone among foxes with severe damage. Unprotected steel traps.

The snared foxes have not become injured to the same extent. In fact only about 2 percent were severely injured or 2 out of 123 foxes. In both cases only one tooth had been worn down.

Percent foxes with foot injuries among snared foxes.

Thirty percent of the foxes caught in unmodified leghold steel traps had broken bones, in most cases the phalanges or metacarpals. Among foxes caught in plastic-covered steel traps 43 percent showed the same kind of injuries. In comparison, only 3 of 117 snared foxes had broken bones.

Distribution of foot and leg injuries, percent of red foxes captured in Sweden.

When our red foxes are caught in steel traps they react very strongly, which can be seen from the tracks in the snow. Evidently the steel trap hurts them very much in the leg with the result that the foxes start biting the trap. The snow around the place where they were caught very often was splashed with blood. Biting the cold iron of the trap causes the saliva to freeze, which hurts the foxes even more and may cause even more biting. According to many trappers, the trap jaws very often become red with frozen blood.

We have observed that most of the biting of plastic-covered steel traps was concentrated on the front spring, that is the part of the trap that comes closest to the head of the moving fox. When the foot snare was constructed, no projecting metal parts were therefore allowed on the tube.

The reason for this is that the steel trap hurts the foxes severely. They start biting the trap spring that comes closest to the head, they start with that immediately after being caught and according to trappers, the snow is splashed with blood around the place where they are caught.

A Swedish trapper testified that the steel traps, most are reddish from frozen blood. My data is prohibition of trapping in Sweden from 1967 except for these trappers like me, that do ecological work. During my continued work we try to reduce injury by all metal parts with plastic, all around on all parts of the metal. The frequent fox with severely injured teeth was reduced from 50 to 22 percent, that is about half of what it was before. The mean number of teeth worn down was not reduced, however, since the plastic was chewed into pieces down to the metal.

Some years later Jan Aberg invented a foot snare and presented it to Swedish authorities and they asked me to check if the snare was good enough to be accepted. I can show the snare here. It consists of a plastic tube with a metal plate as a trigger. Immediately after the fox has been caught, the metal part will fall off and the fox won't come in contact with it. He will only chew that plastic part.

There will be very little injuries from this plastic part.

The amount of injury is very low. Only 2 foxes out of 123 had injured their teeth. The injuries on feet and legs showed the same reduction for snares, only 3 out of 117, less than 3 percent, as compared to 30 percent for foxes caught in steel traps and 43 for foxes caught in steel traps coated with plastic. Thus, the soft plastic did not reduce the injuries to the feet and legs. Around 1977-78, the Swedish snare was accepted so after a 10-year long course, trapping was again legal in Sweden.

[Testimony resumes on p. 82.]

[The prepared statement of Dr. Englund with attachments follows:]

Testimony Against the Use of Steel Traps

before the Subcommittee on

Health and the Environment

by Jan Englund
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Swedish Museum of Natural History
Section for Vertebrate Zoology
S-104 05 Stockholm
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A testimony against the use of steel traps

Trapping red foxes (Vulpes vulpes) has been practiced for a very long time in the northern half of Sweden. The data given here refers to foxes caught in three different kinds of devices, the Victor long spring steel trap number 2 and 3, the same kinds of traps with all iron parts covered with plastic tubes and a new foot snare invented by Jan Åberg in Fällbäcken, Skellefteå, Sweden.

Most of the material was collected for an ecological work on foxes, and this is the reason why data are missing for the majority of the feet among steel-trapped foxes.

In contrast to American trappers ours only trap in winters when snow conditions are good and temperatures below freezing. The steel traps and also nowadays the snares, are dug into the snow below the footprints. The tracks from the trapper are filled in with snow which is smoothed over with a foxtail. The trap is fixed by a 1 to 2 meter long chain or wire which is attached to the middle of a one meter long and about 4-5 cm thick stick which is laid loosely in the snow. Scent or bait is not used.

It is not allowed to tie the trap to a tree or a fixed pole (Swedish administrators believe that foxes will hurt themselves more heavily if they can't leave the unpleasant place where they were caught.) Trappers are supposed to set traps in places with plenty of small trees and bushes, increasing the chance that the wire with the stick will get entangled in the vegetation.

According to Swedish law, all traps have to be inspected at least twice each day with no less than 8 hours between successive visit. Most trappers, however, only check the traps once a day early in the morning. Foxes never have to stay longer than 24 hours, I believe, in the traps and in most cases less than 12 hours, since most foxes are caught in the late evening or during the night. Another regulation mandated that foxes caught in traps must be shot from a distance of at lest 30 meters. The reason for this is to reduce the risk of a fox going into panic.

Definition

Molars (M) and premolars (P) were examined for injuries, usually after boiling and cleaning the skulls. Foxes were classified in four groups, (1) those with no, (2) small, (3) medium or (4) severe dental injuries. The number ofseverely injured M- and P- teeth was also recorded.

Small injuries were defined as those where only the tips of the teeth had been destroyed (up to 2 mm), medium included foxes with 1 or more teeth broken or worn down nearly halfway or more. If parts of the jawbone were worn down, the injury was classified as severe. The number of severely damaged teeth refer to the number of sockets where the jaw had been damaged.

The toes, feet, and legs of specimens which had not been skinned were examined for the presence of galls (larger than 1 sq mm) and to assess whether toes and limbs were out of joint or if any bones were broken.

Material

A total of 1651 foxes were examined. Of these, 1374 were taken in unmodified Leghold traps, 154 in plastic covered Legholds, and 123 in footsnares. Approximately 90 % of the foxes captured withLeghold traps were caught with Victor number 2 and the remainder in number 3.

Results (teeth)

As can be seen in Table 1 the proportion of severely injured foxes is higher among older foxes, increasing from about 19 % among juveniles to 64 % among foxes older than four years. The mean of all foxes was 38 % and the mean of the means (for the different age classes) was 51 %.

The cover of plastic reduced the injuries to about 13 % for all ages, or 20 % for the mean of the means. Since traps covered with plastic were used only one winter and with a very high proportion jof juvenile foxes, a comparison of the mean of the means gives a more true picture. The plastic then reduced the percentages of severe injuries somewhat more than a half or from 51 to 20.

Table 1

Percent foxes with tooth injuries among foxes caught in steel traps.

Age in years	0	1	2	3	4	5+	All ages	Mean of the means
No damage	9	6	1	2	2	3	6	4
Small injuries	55	31	28	24	20	18	40	29
Medium injuries	16	16	17	16	20	15	16	17
Severe injuries	19	48	55	59	59	64	38	51
Number of foxes examined	645	258	229	114	36	72	1374	

Table 2

Percent of foxes with severe tooth injuries among foxes caught in steel traps covered with plastic.

Age in years	0	1	2+	All ages	Mean of the means
No damage	33	7	5	25	15
Small injuries	50	54	50	51	51
Medium "	10	11	20	12	14
Severe "	7	29	25	13	20
Number of foxes examined	106	28	20	154	

The number of teeth worn down into the jawbone is also high among the steel trapped foxes (Table 3). Since foxes chewed the plastic into pieces, mostly on the front spring, the plastic did not reduce the amount of severity among the severely injured foxes.

Table 3

Mean number of teeth worn down into the jawbone among foxes with severe damage. Unprotected steel traps.

Age in years	0	1	2+	All ages
Mean number	3.2	3.9	4.9	4.2
Range	1-14	1-16	1-21	1-21
Foxes examined	124	124	271	519

Plastic covered
steel traps

Age in years	0	1	2+	All ages
Mean number	3.3	3.1	3.4	3.3
Range	1-11	1-10	1-8	1-11
Foxes examined	7	8	5	20

The snared foxes have not become injured to the same extent. In fact only about 2 % were severely injured or 2 out of 123 foxes. In both cases only one tooth had been worn down.

Table 4

Percent foxes with tooth injuries among snared foxes.

Age in years	0	1	2+	All ages	Mean of the means
No damage	67	44	27	49	46
Small injuries	21	44	63	40	43
Medium "	13	9	7	10	10
Severe "	0	2	3	2	2
Number of foxes examined	48	45	30	123	

Results (feet and bones)

Thirty percent of the foxes caught in unmodified leghold steel traps had broken bones, in most cases the phalanges or metacarpals (Table 5). Among foxes caught in plastic-covered steel traps 43 % showed the same kind of injuries. In comparison, only 3 of 117 snared foxes had broken bones.

TAble 5

Distribution of foot and leg injuries (%) of red foxes captured in Sweden.

Trap type	No. examined	No. injuries	Skin galls or disjointed toes
Leghold			
Unmodified	115	61	9
Modified	28	34	21
Snare	117	83	15

	Broken bones			
Trap type	Phalanges	Metacarpals	Leg	All combined
Leghold				
Unmodified	15	17	2	30
Modified	25	14	4	43
Snare	2	0	1	3

Discussion

When our red foxes are caught in steel traps they react very strongly, which can be seen from the tracks in the snow. Evidently the steel trap hurts them very much in the leg with the result that the foxes start biting the trap. The snow around the place where they were caught very often was splashed with blood. Biting the cold iron of the trap causes the saliva to freeze, which hurts the foxes even more and may cause even more biting. According to many trappers, the trap jaws very often become red with frozen blood.

We have observed that most of the biting of plastic-covered steel traps was concentrated on the front spring, that is the part of the trap that comes closest to the head of the moving fox. When the foot snare was constructed, no projecting metal parts were therefore allowed on the tube.

A fox caught in a snare behaves completely differently. Normally, they move at the same speed after their capture as far as we can see from the tracks. There are no signs in the snow around the place where the foxes are caught. In some instances trappers have tracked the foxes down to a rubbish dump where the foxes had been eating still dragging the snare behind them. No signs of blood in the snow have been seen.

One important difference between the steel traps and the snares lies in the fact that the steel trap hits the leg very hard, sometimes even breaking it, but with a snare of the right length, the leg of the fox will not become injured when the fox is caught.

Many trappers disliked the snares very much in the beginning. After being trained in how to set them, they say that setting a snare is much easier than setting a steel trap. They don't have to prepare the snares either, since foxes don't react to the smell (which is very slight, if any) from the plastic tube. Steel traps will become rusty if not prepared properly and foxes will normally turn back or make a detour around such traps. Very few foxes have so far escaped from a snare so hat also in this respect snares compare favorably with steel traps.

After some years of snaring, Swedish trappers are very positive to it and many of the older and experienced trappers say that a snare is better than a steel trap in all respects.

As a result of my data on trapped foxes, the steel traps were forbidden in 1967 in Sweden. In 1973 Jan Aberg presented his foot snare and after some years of testing it was accepted in Sweden until June, 1966. The reason for this time restriction is that all kinds of trapping devices for mice, beavers, pine martens, foxes, badgers and so on are in the form of snap traps, box traps as well as all other kinds of devices for catching animals have to be tested during this time period. Only those that will be acceptable from a humanitarian point of view will then be permissable. Regarding Jan Abergs foot snare, the Swedish authorities (The National Swedish Environment Protection Board) say that it is already tested and will be accepted for use after June, 1986. Snaring will, however, be accepted only for the northern part of Sweden and only for the winter period. The reason for this is that we have no trapping, according to custom or tradition, during seasons of the year when there is green vegation available or roughly, summer and autumn. Furthermore, there is no tradition at all for trapping in southern Sweden.

It might be of interest to note that steel traps are not legally in use any longer in Finland. The foot snare has been tested there last winter and it has so far been received very positively.

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NATURHISTORISKA RIKSMUSEET
SEKTIONEN FÖR VERTEBRATZOOLOGI

Stockholm
1984-08-22

Appendix to my testimony in Washington, D.C. August 3, 1984

Jan Englund
Swedish Museum of Natural History
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On the 3rd of August 1984 some people presented a so called soft catch steel jaw trap and certifyed that this trap was very humane and did not cause the animals any harm. I would like to comment on that.

Foxes caught in steel jaw traps covered with 2-3 mm thick and very soft plastic (all metal parts covered with a material thicker and softer than that which covered only a small proportion of the soft catch traps) as well as foxes caught in footsnares chewed on the trap device. For both kind of devices the pressure on the legs are less than for the soft catch traps, for the footsnare the pressure is in fact extremely small. My conclusion will therefore be that they start biting just to get rid of the device hanging around their legs. It doesn't have to hurt them. Therefore there is no reason to believe that the 'pads' in the soft catch jaws should reduce the risk of chewing the traps.

Furthermore the soft catch steel traps are covered only on the inner side of the jaws. Nearly the whole trap consists of bare iron not covered at all by any soft material.

I am therefore to say the least very astonished by the statement that American foxes do not hurt themselves on the soft catch steel traps. Some researcher totally independent from all groups interested in the steel jaw traps should examine animals trapped with this device.

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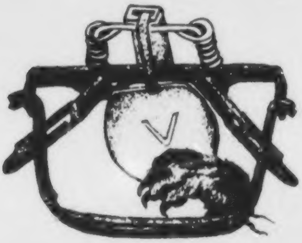
ALTERNATIVES TO THE STEEL JAW LEGHOLD TRAP

THE STEEL JAW LEGHOLD TRAP...



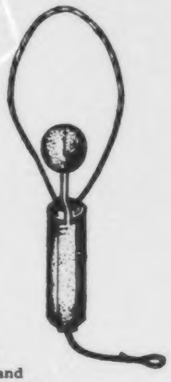
... consists of a metal ring, hinged at the middle, and activated by a powerful spring. When an animal steps on the "pan" at the center, the steel jaws snap together on the limb. The grip must be tight enough to prevent the creature from prying its foot loose. Debilitating injuries often result from the trap's closing impact and the animal's frenzied struggle to free itself. These include fractured bones, lacerations, gangrene, and broken teeth from biting at the painful grapples. As trappers know, it is not uncommon for a desperate mammal to gnaw off its captured foot, and leave it behind.

Even a professional trapper cannot designate which animals will wander into the steel jaws. As much as 71% of captives may be non-target victims. Oftentimes the trapper releases these animals, believing them to be unharmed. Where follow-up studies have been conducted, severe disabilities are found to have occurred. Such creatures may be too disabled to exist in the wild, and simply perish.

THERE ARE EFFICIENT, LESS CRUEL ALTERNATIVES! These include the EZYONEM legsnare, Swedish legsnare, Aldrich footsnare, Victor Power Snare, Novak legsnare, and a variety of box and cage traps.

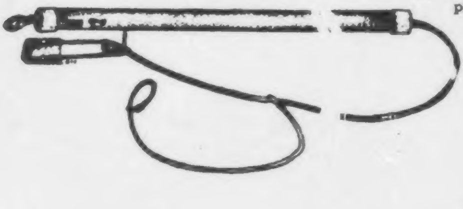
The EZYONEM Legsnare...

... is a compact, spring activated trap which has been proven effective in capturing fox, coyote, and bobcat without maiming them or inflicting severe pain. When an animal steps on the "pan" of the EZYONEM trap, a neoprene coated cable, with ends clamped inside a telescoping barrel, loops around the creature's leg. Two barrel sections spring outward, closing the noose around the limb. At the moment of ensnarement, there is no contact between the animal's leg and the polycarbon trap body, and the captive experiences no pain. Because the cable forms a 270 degree loop around the captured limb, circulation is not blocked and necrosis of the leg tissues is prevented. While field tests demonstrate that a fox, rotating its paw as few as six times in a steel jaw trap, can break the skin, 1000 revolutions can be made in the new EZYONEM (easy-on-'em) without suffering these consequences. In addition, the smooth plastic encasement eliminates tooth damage. For these reasons, non-target captives can be released unharmed.



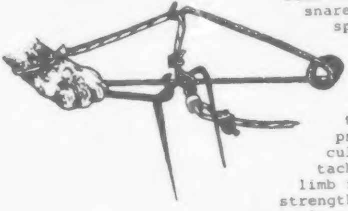
Using a dirt hole set, the trap is easily rigged in five to ten minutes. All parts are replaceable in the field. Weighing about one-half that of a No. 2 steel jaw trap, the EZYONEM is convenient to carry when setting long traplines. Furthermore, its one and one-eighth inch diameter and four and one-half inch length make it concealable. When sprung, the barrels extend to twelve inches.

The SWEDISH Legsnare...



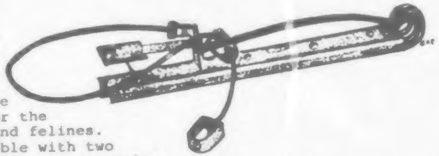
... is similar to the EZYONEM in that it also utilizes a coated cable loop to capture prey and then holds the captive without progressive pressure. The functional parts of the Swedish Legsnare, also known as Jan's Catcher, are contained inside a white tubular body measuring 25 inches in length and one and one-half inches in diameter. Because of its size, this instrument is primarily used in snow. The spring activated trap is considered most efficient in the capture of long-legged mammals such as fox, bobcat, coyote and lynx. Like the EZYON-EM, it has few working parts to replace and requires little maintenance. After use, both of these plastic encasements need only to be rinsed with water. The Swedish Legsnare is patented in the U.S.A.

The ALDRICH Footsnare...



... is a modified version of the familiar Aldrich Bear Snare. Consisting of a standard wire snare of galvanized airplane cable and a spring activated throw arm, this "power trap" has all functional parts exposed. When an animal steps on the triggering mechanism, the spring arm moves upward, flinging the wire loop around the mammal's leg and pulling it tightly. A locking device on the cable prevents the noose from cutting off circulation, and a humane strap can be attached to the cable to protect the captive's limb from irritation. Three cable lengths and strengths are available for the ensnarement of mammals ranging in size from fox to cougar to grizzly bear. Like the aforementioned traps, the Aldrich Footsnare is effective in capturing wild animals for biological studies and has long been used for this purpose.

The VICTOR POWER SNARE...



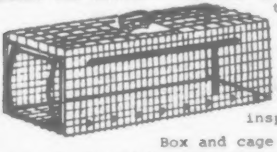
... which operates on the same principle as the Aldrich Footsnare, has proven to be another efficient alternative to the steel jaw leghold trap for the capture of both canines and felines. The Power Snare is available with two cable strengths. Measuring approximately fourteen inches in length, the metal trap is slightly lighter than a No. 2 steel jaw leghold trap, and requires similar maintenance.

The NOVAK Legsnare...

... was developed prior to the Victor Power Snare by a furbearer biologist with Ontario's Ministry of Natural Resources. Consisting of a spring activated noose with a locking device, it is very similar to the Victor trap. Field tests by two professional trappers found that 52% of animals captured in conventional steel jaw traps were seriously injured as compared with only 2% of those caught in the Novak Legsnare. The prospects for the future manufacture of the Novak Legsnare are good.

BOX and CAGE Traps...

... lure animals inside with an attractive bait which is placed on a pan within the device. When the pan is touched, the cage door slams shut, and the creature is captured. Since the animal is not held by an extremity, traps of this nature do not inflict pain or debilitate the captive. However, an animal may damage teeth or other body parts during its struggle to free itself. For this reason, all traps--including legsnares and cage traps--must be inspected daily.



Box and cage traps are especially useful on farms to remove animals which cause crop damage. Constructed of galvanized wire and heavy steel rod, such traps are available in both rigid and collapsible models. Folding cages, which collapse to a compact one inch in thickness, can be opened in a matter of seconds. With the use of snowmobiles and autos, a large number of these traps can be set with ease.

SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION
P.O. BOX 3719, Washington, D.C. 20007

Question 1

Please supply the subcommittee with a list of those States which have enacted laws requiring the inspection of amusement rides in fixed site parks. Please include a statutory reference and identify the State agency responsible for enforcement and the effective date of each state law:

State	Statute	Effective Date	Enforcement Responsibility
Alaska	Sec. 05,20,010 (Recreational Devices)	1965	Alaska Department of Labor Anchorage, Alaska
Arkansas	Code 12 Act No. 901 of the 73rd Arkansas General Assembly Regular Session, 1981	1981	Arkansas Department of Labor Little Rock, Arkansas
Colorado	C.R.S. 1973 8-1-107 (1)(g) and C.R.S. 1973, 8-1-107(2) (d) and C.R.S. 1973, 8-1-140 and 8-1-194	8/81	Colorado Department of Labor Denver, Colorado
Connecticut	Sections 2a-133, 29-134 to 29-142 Outdoor Amusements	1949	Bureau of State Fire Marshall Department of State Police Meridan, Connecticut
New Hampshire	RSA 321 General Laws	1977	New Hampshire Department of Safety Division of Safety Services Aerial, Lift and Tramway Division Concord, New Hampshire
New Jersey	Carnival & Amusement Safety Act Chapter 195, Title 12 New Jersey Administrative Code	1975	New Jersey Department of Labor Office of Compliance Trenton, New Jersey

State	Statute	Effective Date	Enforcement Responsibility
New York	Section 202(b) Labor Law & Code Rule U.S. of Industrial Code Rules	1961	New York Department of Labor Division of Safety & Health
	Article 27 Section 870	Amended 3/1/83	
Hawaii	Chapter 397-Amusement Rides	2/8/68	Hawaii Department of Labor & Industrial Relations Division of Occupational Safety & Health Honolulu, Hawaii
Iowa	Chapter 88A	1976	Iowa Department of Labor Des Moines, Iowa
Illinois	Legislature just passed law. No statutory reference available	1/1/85	Illinois Department of Labor Chicago, Illinois
Kentucky	KRS Chapter 247	7/13/84	Kentucky Department of Agriculture Frankfort, Kentucky
Maine	Public Act 225 General Law State of Maine	7/1/77	Maine Department of Public Safety Office of State Fire Marshal Augusta, Maine
Maryland	Article 89, Sections 65-81 Annotated Code of Maryland	7/1/76	Maryland Division of Labor & Industry Amusement Ride Safety Inspection Baltimore, Maryland
	Regulations 09.12.62 Code of Md. Regs.	12/30/77	

State	Statute	Effective Date	Enforcement Responsibility
Michigan	Public Act 225	1966	Michigan Department of Licensing & Regulation Bureau of Realty & Environmental Services Lansing, Michigan
North Carolina	General statutes of North Carolina, Section US-11(c)	1969	North Carolina Department of Labor Elevator Division Raleigh, NC
Ohio	Legislature recently passed regulations. No statutory reference available.	1/1/85	Ohio Department of Agriculture Columbus, Ohio
Oklahoma	Oklahoma Amusement Ride Safety Act Title 40 O.S. Sections 460-469 and adopted Rules dated Feb 14, 1984	10/1/82	Oklahoma Department of Labor Oklahoma City, Oklahoma
Oregon	Oregon statutes 460.210 to 460.230 and Department Administrative Rules	1959	Oregon Building Codes Division Electrical/Elevator Program Salem, Oregon
Pennsylvania	PA Senate Bill No. 298-Session of 1983	1/1/85	Pennsylvania Department of Agriculture Harrisburg, Pennsylvania
Wisconsin	State Statute Wisconsin 101.11 Administrative Code Chapter IND 47	8/1/67	Wisconsin Department of Industry Labor & Human Resources Madison, Wisconsin

* Each of the above listed states have also assumed jurisdiction over mobile rides that travel from location to location.

The following states have jurisdiction only over mobile rides that travel from location to location: California, Florida (only rides that operate at State or County sponsored fairs), Massachusetts (no state inspections are conducted, only inspections by certified insurance inspectors) and Texas which has only an insurance requirement for rides.

Mr. WAXMAN. Thank you very much.

Dr. Englund, what were the economic effects upon fur trappers of banning the steel-jawed trap in Sweden?

Dr. ENGLUND. Both hunting and trapping were at that time—people, I think, were hunting more after that, because people are both hunting and trapping in Sweden.

Mr. WAXMAN. So there was more hunting? I wanted to know what the economic impact was when steel-jawed traps were banned in Sweden?

Dr. ENGLUND. Yes. They are using the snares today.

Mr. WAXMAN. What about the economic impact on the fur traders?

Dr. ENGLUND. It didn't change.

Mr. WAXMAN. We had a colleague, Congressman Young, say that there were no more animals in your country and other countries that banned the steel traps.

Dr. ENGLUND. About 100,000 each year.

Mr. WAXMAN. Do you know what the figures were before——

Dr. ENGLUND. Roughly—we don't have good statistics, just the Hunters Association makes some statistics, according to them, about 100,000 per year.

Mr. WAXMAN. Mr. Linscombe, you testified that the U.S. Fish and Wildlife Service is testing padded steel jaw traps and that such traps may cause less injury to trapped animals, yet Dr. Englund found they cause more injuries than traps which were not modified. Are padded traps better?

Mr. LINSCOMBE. Preliminary results are quite encouraging and because of this, the International is coordinating an effort involving nine States in different areas of the United States to look at how effective this new trap may be. I don't believe it is the same trap that was tested in Sweden.

Dr. ENGLUND. That is the Victor Long spring steel traps, Nos. 2 and 3.

Mr. WAXMAN. Is that the same one?

Mr. LINSCOMBE. No. The trap that we are going to be evaluating and has been evaluated for some time and is marketed as the soft catch trap.

Mr. WAXMAN. Dr. Englund, do you know——

Dr. ENGLUND. Soft? We used plastic that was more soft than that material.

Mr. LINSCOMBE. This is a special patented material.

Dr. ENGLUND. I have seen that. It covers only a small part of the jaw.

Mr. WAXMAN. You both testified that there is no effective alternative to the steel jaw leghold and yet Dr. Englund's studies concluded that snares are as effective as steel-jawed traps and cause fewer injuries.

Mr. LAMBERTSON. Our operational and research people have tried a number of alternatives. We find that the most viable alternative is the padded jaw trap. We find that up to 90 percent of the animals caught in the padded jaw trap were not injured by that device. Unfortunately, this legislation would ban that alternative. We have tested other alternatives. For example, we have found the steel snare quite effective, but very inhumane. Almost 100 percent of the animals caught in the leg snares would have lost their leg as a result of that. We continued no further testing of that device.

The device on the table—coated cable snare—was tested on coyotes and we found zero percent effectiveness. That device might work for fox in Sweden, but was found totally ineffective in this country.

Mr. WAXMAN. There has been talk about using a scented steel-jawed trap so that the targeted animal would be captured reducing the likelihood of trapping nontarget animals. Are there such selective traps?

Mr. LINSCOMBE. Not to my knowledge. In the United States, we take approximately 16 million animals, 25 or 30 different species in a number of different environmental conditions and I am not aware of any type of apparatus that could be used for what you are suggesting, with a scent. However, by placement methods and by selecting the proper type of trap, I think you can ensure or at least reduce the chance of nontarget catches.

Mr. WAXMAN. Dr. Englund, I would like you to respond to that.

Dr. ENGLUND. I don't understand why they are escaping. You must have increased the length so the loop will be too large when they have been caught. Foxes never are lost. There can't be any difference between coyotes and foxes in that respect.

Mr. WAXMAN. What about these snares that are accused of being more inhumane? Do you agree with that?

Dr. ENGLUND. They are much more humane, of course.

Mr. WAXMAN. I don't know how a snare works. Is a snare like a cage?

Dr. ENGLUND. That is what I showed you here.

Mr. WAXMAN. That is a snare?

Dr. ENGLUND. Yes.

Mr. WAXMAN. Why did our colleague, Congressman Young, say that would strangle the animal?

Dr. ENGLUND. They are never strangled. The foxes are walking and when he puts down his feet, he will be caught around the feet.

Mr. WAXMAN. My time is up and I want to recognize my colleagues, but perhaps we will get a chance to bring in these other points.

Mr. SCHEUER. Mr. Chairman, the one question that I want to get an answer to and that you have already asked is the qustion of what is the economic detriment or harm or injury to the trapping industry in the 59 countries that have prohibited the steel-jawed trap, and that has not been clearly established to my satisfaction?

Mr. WAXMAN. Well, after other panelists——

Mr. SCHEUER. Yes, but I honestly do not have a clear picture of why, if 59 countries have banned it and none of them have eliminated the ban because of economic detriment, why there is objection because of economic detriment, when apparently it hasn't happened where the ban has been in place for some years. I know that Congressman Waxman, the chairman of this committee, has asked that question and he has gotten some answer, but they don't satisfy me. I don't know whether they satisfy him or not.

Mr. Lambertson, could you take a crack at that?

Mr. LAMBERTSON. I am not familiar with the exact economic situations of these countries. We find many other countries have poor data on the amount of wildlife trade that is occurring. The United States is viewed throughout the world as the leading country in wildlife management. We started setting aside wildlife areas 50 to 100 years before anyone thought about it. We negotiated a treaty with Canada to protect migratory birds in 1916. The Washington Convention on International Trade in Endangered Species was negotiated down the street. We are the world's leaders in scientific wildlife management. Other countries look to us for their management techniques. We should not look to them.

Mr. **Waxman**. Let me admonish our guests that you are guests at this hearing and we don't permit demonstrations of approval or dissent from any of the witnesses' testimony.

Mr. **Scheuer**. If they have made a particular advance and they had a successful experience with it, we would have to be fools, we would have to be a nation of collective fools if we didn't take advantage of that experience. You know, we used to be No. 1 in everything. We are having to cope with the fact that we are not No. 1 in everything. We are not number one in science and technology across the whole spectrum anymore. Japan and West Germany and Sweden and France and Italy in various aspects of science and technological research have a great deal to teach us and we would be absolute arrogant fools if we didn't learn from them.

If there is something we can learn from these 59 countries based on their empirical experience with banning this steel law jaw trap, why shouldn't we learn from them?

Mr. **Lambertson**. I am not opposed to learning from other countries. The point is that most of the countries banning the steel leghold trap are countries that have requested from us and received from us scientific technology on how to better manage their wildlife resources and one of the techniques that we teach them is proper management of wildlife populations and maintaining the size of those populations. This is one tool that allows us to manage our animal populations. They have found other techniques. In some of those countries they use very lethal poisons that we wouldn't consider using here. If you have poison available, why bother with a trap?

Mr. **Scheuer**. Trapping may be a technique, but it is not cast in concrete that it must be a steel leghold trap and inflects awful pain and suffering on an animal. Is that engraved in the sky or in concrete somewhere? Trapping itself may be a technique of wildlife management on some kind of constant yield principle, presumably what the Swedes have done with 100,000 animals being trapped every year. The trapping is the technique, not the steel leghold trap and if some other countries in their experience have achieved a more humane means of achieving that trapping management technique, and perhaps we have taught them how to trap on a constant yield basis the same way as we have taught them how to lumber and how to do other things on a constant yield basis.

I can't understand why we shouldn't adapt that experience and I can't understand to this moment where is the economic detriment? When we have heard from the witness that these 59 countries have succeeded in applying your trapping technique—it is a trapping that is the technique, not the steel leghold trap, successfully with no economic detriment?

Mr. **Waxman**. Can we have a response to the question——

Mr. **Lambertson**. I think later panelists ought to be able to address that. Other countries are using other techniques. Those techniques are not necessarily more humane. That is the point I would like to make.

Mr. **Waxman**. Mr. Walgren.

Mr. **Walgren**. Thank you, Mr. Chairman.

Does our Fish and Wildlife Service have any systematic look at the data from other countries that has been raised here?

Mr. **Lambertson**. With regard to trapping, no. As I mentioned before we have found that information on wildlife trade in other countries is very limited. Through some of our international treaties, we do receive some information, but we have found that most countries do not keep good scientific information on the activities in their country.

Mr. **Walgren**. Have we tried to do any comparisons in their trapping efforts country by country that has been looked at and evaluated by you as the Director of the Wildlife Resources?

Mr. **Lambertson**. Yes. Our Denver research laboratory, part of our Research Division, has systematically reviewed every technique that has been developed throughout the world. As soon as someone identifies a trapping mechanism, we immediately seek to get samples and to try it under our conditions. From that we have systematically evaluated different techniques and different mechanisms and have drawn some conclusions. As I pointed out, the one mechanism that is proving most successful as far as being humane and yet effective is the new padded jaw trap which we are in the final year of testing now.

Mr. **Walgren**. Over the last 5 years, how many such trapping mechanisms has the Fish and Wildlife Service evaluated?

Mr. **Lambertson**. That would be very difficult to say because many of these devices have numerous modifications, slight modifications. One mechanism might have 8 or 10 different modifications that they would use on it. The number of completely different devices is not large. The number of modifications on each of those devices is extremely large.

Mr. **Walgren**. You must have kept records of some kind of those evaluations.

Mr. **Lambertson**. Yes, we have. We have preliminary research reports that are now under evaluation. As I said——

Mr. **Walgren**. Are those published?

Mr. **Lambertson**. Some of them are published, but our final report on the most recent experiments on the padded jaw trap is now in the final stages of revision.

Mr. **Walgren**. I would hope, Mr. Chairman, that those published reports would be submitted to the committee if they have not already been, and particularly if there are any studies that you have whatsoever or any evaluations other than what you have already published and therefore submitted to the committee. I would hope that we would have access to that within a very short period of time.

Mr. **Lambertson**. We would be glad to make that available, sir.

Mr. **Walgren**. Because certainly we ought to be able to evaluate how good a look you have taken at what is happening in foreign countries.

Now, that data goes not only to your getting apparently a copy of what you think they have used over there and trying it out yourself, but they must certainly accompany that data about their experience with these kinds of mechanisms.

Mr. **Lambertson**. Yes, we do that. As soon as we hear of a new technique, our research people correspond with those people and try to get a prototype. We run into problems. Patents are being sought, people are afraid to allow these devices out of their control until they have received a patent, so we have run into problems getting prototypes of some of these things. We will get a newspaper article saying that some new device has been developed somewhere.

Mr. **Walgren**. When you say that we have poor data from other countries, I would be very interested to know what data you have from other countries and to be able to compare that with what data might be available from other sources from those other countries.

Mr. **Lambertson**. We have poor data on the total economic and fur resources for some countries. When we ask other countries what they have as far as information on a species taken in their country, we find that very few countries have systematic information. When it comes to information about how well a given technique——

Mr. **Walgren**. If some of those countries have systematic information, I ask that you submit to the committee, assuming the chairman is in agreement, what countries you feel you have systematic data on, where you feel that data may be lacking, and the data that you have from countries that you perhaps feel is not adequate. I would really like to know the base of your decision at this point, the base of your position, and I would hope that you would be able to submit to the committee the fullest, in writing, layout of the data that lies behind the conclusion that these countries have poor data, No. 1, and as a footnote, the conclusion that we should not be looking to them for their practices. And I would like to add that the British outlawed slavery in 1831 or thereabouts and the United States was pathetically far behind.

Thank you, Mr. Chairman.

Mr. **Waxman**. Mr. Scheuer.

Mr. **Scheuer**. Just a very brief word that sort of makes me a little bit cynical about people who say we have nothing to learn from countries abroad. Until very recently, in approving breakthrough drugs, new breakthrough drugs that were lifesaving and life-enhancing, our Food and Drug Administration would not permit drug companies to submit reports from medical schools and scientific reports from abroad from any university in England, France, Germany, Switzerland, Japan, no matter how excellent and no matter how high caliber those reports were; they simply wouldn't consider them and they would force American pharmaceutical companies to spend years and years and tens of millions of dollars duplicating that research.

They had such an arrogant view of research that emanated from outside the continental boundaries of the United States, so I am a little bit cynical of hearing from any witness that we have nothing to hear from countries abroad.

Sometimes we don't, but frequently we do and if there is something we can learn from 59 other countries who have experimented with an alternative method of trapping and wildlife management, and I commend the Wildlife Service for having developed these techniques, if there is something we could learn from them, we should do it.

Mr. LAMBERTSON. I didn't mean to infer that we cannot learn from other countries. We work with 83 other countries on wildlife management worldwide. We cooperate with them and work very closely with them.

Mr. SCHEUER. I thought you said they should learn from us, we shouldn't learn from them.

Mr. LAMBERTSON. It is a two-way street.

Mr. WAXMAN. There is some information that has been requested by Mr. Walgren for the subcommittee. We would appreciate receiving that and they will be introduced into the record at the discretion of the chairman.

I thank each of you for your presentation today. I know there may be more you would like to say, but some of the points will be picked up by other witnesses. If not, you will have another opportunity if you want to submit something in writing for us to have that in the record itself.

[Testimony resumes on p. 342.]

[The following materials were submitted for the record:]

United States Department of the Interior
FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

ADDRESS ONLY THE DIRECTOR,
FISH AND WILDLIFE SERVICE

OCT 12 1984

Honorable John D. Dingell
Chairman, Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is in response to the request for additional information made by Congressman Walgren at the August 3, 1984, hearing on H.R. 1797, a bill to end the use of steel-jaw traps. Mr. Walgren requested data on Fish and Wildlife Service evaluation of alternatives to steel-jaw leghold traps and information we might have regarding the fur trade in countries that have banned steel-jaw leghold traps. (Page 55 of the transcript, line 1221; page 57, line 1266.)

With regard to the request for information on our evaluation of alternatives, we have enclosed various reports outlining FWS research efforts undertaken over the past several years. The research staff at the FWS Denver Wildlife Research Center performed these various trap improvement and alternative capture method evaluations. They conduct both formal and informal evaluations. Informal evaluations may consist of personal conversations or correspondence with inventors, developers or users of innovations to assess the potential for further consideration. Formal evaluations consist of detailed research projects that yield statistically sound data on the subject being evaluated. Please note that many of our evaluations are ongoing at this time so some of these materials represent progress updates, not completed reports.

The reports being submitted primarily center around potential trap modifications that have been evaluated. These include tensioning devices that exclude animals weighing less than a predetermined body weight; padding of various types to cushion the trap jaws; tranquilizer tabs that are placed on the jaws of traps to sedate the animals captured and decrease the injuries animals inflict on themselves while attempting to escape; lethal tabs to attach to traps and quickly dispatch the captured animal; and leg snares. (Attachments 1-6)

FWS evaluations of various trap improvements have led the Service to develop a trap pan tensioning device (under-pan spring) that is easily added to steel-jaw traps to exclude most animals weighing less than coyotes. The modification is being implemented throughout the Service's Animal Damage Control program, where applicable, to reduce non-target captures.

Our current evaluations of padded jaw traps are very promising and indicate that 90% or more of the animals captured in these traps experience no substantial damage, providing the animal is removed within 48 hours. Our review is incomplete but we are continuing to evaluate and quantify the effectiveness of this trap modification. A Fish and Wildlife Service representative also participates on a committee of the International Association of Fish and Wildlife Agencies that is reviewing modifications to steel-jaw traps, particularly padded traps.

We have expended several man-years in the development and evaluation of leg or foot snares as potential supplements to, or replacements for, the steel-jaw trap. These evaluations have included snares of our own manufacture, as well as snares manufactured by others. Evaluations of the data collected by other researchers were also conducted. Leg snares for general use fall into two catagories: power snares and coated cable snares. Power snares using a bare cable cause as much or more leg damage to most animals as steel-jaw traps and are not as adaptable. Coated cable versions either cause as much or more damage than traps or fail to successfully hold the intended animal. These devices are also less adaptable than traps. We will continue to monitor new developments in leg snares and associated data when available, and should any appear appropriate for further evaluations, we will initiate field trials to assess their effectiveness.

Our efforts to perfect a tranquilizer tab have been discontinued. The idea held quite a bit of promise and demonstrated that leg damage could be effectively reduced. However, the use of controlled substances on traps in the field presented an unacceptable risk of diversion and abuse. The concept of using a quick-acting lethal tab to attach to traps was also dropped due to the associated risks to non-target animals.

Cage or box traps are currently being used by the Service in all practical applications. Through our experience in the field, we know that these traps are very useful under certain conditions, but are ineffective against many species.

Quick kill traps or body grip traps, such as the "Conibear," are legislatively restricted in several States. They are effective capture devices but are not capable of effectively replacing the steel-jaw trap. These traps can be used underwater but we recognize their inherent danger when used above ground. Non-target animals cannot be released, therefore, increased dependence would result in the unnecessary loss of non-target animals. Operational experience with these traps has provided the Service with a satisfactory understanding of their proper uses and limitations, therefore, no detailed research efforts have been expended on these devices.

To summarize, our evaluations indicate that the steel-jaw trap can be improved to reduce associated risks, but none of the various alternatives share the effectiveness and adaptability of these traps. We encourage the use of these alternative capture devices where they are effective, but recognize them as additional tools to use in specific situations rather than as replacements for the steel-jaw trap.

With regard to Mr. Walgren's second request, as Mr. Lambertson indicated at the hearing, we do not have a great deal of information on fur trade from most of those countries that have banned the steel-jaw trap. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) establishes a system of import and export controls to prevent the commercial over-exploitation of animals and plants listed on three appendices to the Convention. Party nations are required to submit annual reports to the CITES Secretariat indicating trade in these listed species. However, of the approximately 42 member countries that we understand have banned or partially banned steel-jaw traps, only 14 had submitted annual reports for 1982 within the specified time period. (Attachment 7 is an analysis of the annual reports for this period by the World Trade Monitoring Unit under contract to the CITES Secretariat.)

The United States does keep records on those species listed under CITES that are imported into this country. We have compared these records with a list of countries that have banned steel-jaw leghold traps and, in general, found very little trade in furbearing animals. (Attachment 8)

In closing, let me emphasize that the Fish and Wildlife Service works closely with other Nations by sharing information and in managing common fish and wildlife resources. I have already mentioned CITES. In addition, the United States is party to bilateral treaties with Canada, Mexico, Japan and the Soviet Union for the conservation of migratory birds, and we work closely with these countries on other fish and wildlife issues of mutual interest. Under the auspices of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, we also participate with 17 other countries in wildlife training, research and management activities. These are just some examples of our efforts in international cooperation for the benefit of fish and wildlife resources, and it was in this context that Mr. Lambertson spoke at the hearing of our leadership role in wildlife conservation. You may be sure that we will continue this dialogue with other Nations regarding a broad range of wildlife concerns, including humane and effective techniques for wildlife management.

Sincerely,

Director

Attachments

cc: Honorable Henry Waxman,
Chairman, Subcommittee on Health and the Environment

Honorable Doug Walgren

TENSIONING DEVICES - ATTACHMENT 1

U. S. Fish and Wildlife Service
Denver Wildlife Research Center
Denver, Colorado
January 1981

STUDY PLAN: Field evaluation of pan tension devices for reducing capture of non-target species in steel traps set for coyotes - CY 1981

1. WORK UNIT TITLE

932.12 Steel trap modification and evaluation of coyote leg snares

2. PROJECT TITLE

Depredations Control, Section of Predator Management Research

3. PROGRAM

Animal Damage Control

4. PRINCIPAL INVESTIGATORS

F. Turkowski and S. Linhart, Section of Predator Management Research, DWRC, in cooperation with, USFWS Animal Damage Control Program (ADC). Principal ADC Cooperator: Alan Armistead, New Mexico.

5. OBJECTIVES

A. Determine coyote exclusion and capture rates for 3-N Victor traps with and without pan-tension devices under dry and wet soil, and freezing and thawing conditions.

B. Assess modifications to pan-tension devices to improve their efficacy in areas of high rainfall and wet soil conditions.

C. Provide data to ADC Program personnel for use as a basis for formulating policy on the operational use of pan-tension devices.

6. JUSTIFICATION AND BACKGROUND

To make the steel leghold trap more humane and selective, the Denver Wildlife Research Center's (DWRC) Predator Management Research Section cooperated with Animal Damage Control Program (ADC) personnel to evaluate two new trap pan-tension devices. The devices were attached to Number 3-N Victor steel traps and were compared in the field with unmodified traps. The ability of each device to exclude non-target animals, compared with unmodified traps, was one criterion for evaluating the traps in the field. In addition to the percent of non-target animals that stepped on trap pans and were excluded, coyote capture rates were also documented.

One device, an improved version of earlier pan-spring models, was developed by Alan Armistead, New Mexico ADC. This spring device attaches to the trap base and angles upward and makes contact with the underside of the pan. The other device (PAWS-I-Trip ®), invented by R. Yandrick and E. Medvetz[a], functions on the principle of cutting a wire that is placed through aligned holes in the dog and pan. When the pan travels downward, the pan and dog slide against each other and the hole edges shear the wire. The trip weights of both device-equipped traps were between four and five pounds, about the optimum weight to exclude small non-target animals and yet allow coyote captures. The two devices were tested in summer and fall in five western states by ADC Program personnel.

Initial progress was reported by Turkowski, F., A. Armistead, S. Linhart and M. Popelka, June 1980 (Progress report: Field Evaluation of pan-tension devices for reducing the capture of non-target species in steel traps set for coyotes, 28pp. Photocopied.) To date, over 10,000 trap exposure nights were accumulated. As indicated by the tracks and captures, over 300 coyotes and 800 designated non-target animals stepped on the pans of the traps. The device equipped traps were more effective than unmodified traps in excluding five designated important non-target species (gray foxes, swift foxes, striped skunks, opossums and jack rabbits). Both devices decreased the total number of designated non-target species captures about 60 percent.

[a] Patent pending, MY Enterprises
Homer City, PA.

In most areas, the devices did not hamper coyote captures. However, in some locations under wet soil conditions, coyote capture success rates for device-equipped traps were less than those of unmodified traps. It should be specified, that to conform to time schedules, some ADC personnel set traps in wet soil, which they normally do not do. Capture and visit data were analyzed in relation to soil type and condition, weather and other factors. It was evident the devices functioned satisfactory in all dry soils and wet sand. However, it appeared that moisture affected the modified traps in other soil types. To determine how moisture influenced traps and if modifications will improve coyote capture rates under wet conditions, a test was conducted at the DWRC, Uvalde, Texas Field Station. Results were as follows:

Trap trip weight tests

Trip weights of modified and unmodified traps were recorded under a variety of conditions. These included: clamped in a shop vise; set in dry soil; after a rain (from a water sprinkler); and after the silty-clay loam soil dried and crusted. A stand was placed in the center of each trap pan and two inch diameter washers of known weight were added until the trap tripped.

Unmodified trap trip weights in the vise averaged 1.6 pounds. Dry soil trip weights averaged 2.1 pounds and wet and crusted soil averages were 3.2 pounds and 3.8 pounds, respectively. These trip weights explain why unmodified traps were effective in capturing coyotes under most field test conditions. However, in some instances, the closing speed of the jaws of unmodified and modified traps was slowed by wet soil. The average trip weight of shear-pin devices was 4.6 in the vise and 5.5 in dry soil. Under wet and crusted conditions trip weights averaged 9.4 and 11.8, respectively. With these treatments water droplets adhered to the underside of the pan and on the dog causing these parts to rust and adhere together. The average trip weight of spring equipped traps in the vise was also 4.6 pounds. In dry soil the average trip weight of these traps with screen pan covers was 6.2 pounds. In wet soil the average weight of 7.7 pounds for spring traps with screen covers was slightly lower than that of canvas covers (8.3 pounds). In crusted soil, the average trip weight for screen covers was 10.4 pounds and 7.8 pounds for canvas covers. With both pan covers moisture and rust formed between the spring and the pans. The beveled trip of the dog often adhered to the rear of the pan and there was a snapping sound as weights were added. The results of additional tests indicated that some of these problems with the devices can be eliminated or minimized with modifications. The efficacy of devices with and without these improvements will be tested in the field.

Under State law, California ADC Personnel are required to use a trap pan tension device on all leghold traps. Fieldmen in that state presently use a 4 3/8 inch length of steel tape cut from a steel measuring tape replacement blade. The 3/4 inch wide blade is manufactured by the Stanley Works Company, New Britain, Connecticut. The length of tape extends from post to post with the concave side down and makes contact with the underside of the trap pan. This device has a trip weight of about four and a half pounds when used with a Number 3N Victor Steel trap. Since this steel tape is operational in California, it would be advantagous as requested, to evaluate its efficacy in that state compared to the shear-pin and spring devices.

7. METHODS

A. Phase I - Tests of modified pan tension devices for use in wet soils

The shear-pin and spring devices satisfactorily excluded non-target animals in all soil conditions. Therefore the primary objective of field tests will be to determine if improvements will increase coyote capture rates in wet soils. If these improvements increase efficacy, the devices will be useful in more areas where depredations control is needed.

Coating the contact points of the dog and pan with zinc oxide, a rust inhibiter, will reduce adhesion due to rust on the shear-pin devices. The efficacy of shear-pin devices in wet soils can also be improved by use of small diameter shear-wires. The use of more flexible pan cover materials such as plastic also increases wet soil efficacy for both types of devices. To reduce rust, adhesion at contact points, and noises in spring traps, each spring device will be electroplated with zinc. Additional trip weight tests have indicated that these modifications have improved the performance of the devices in wet soils. These modifications and others will be further tested by observing the performance of traps under actual trapping conditions.

In the initial 1980 field test coyote exclusion rates for pan tension devices were greatest in Northern California and Southeast Texas where wet soil conditions prevailed. Additional tests will be conducted in these same two regions. At a recent meeting with ADC Regional and Washington Office personnel it was agreed that selected ADC field personnel in the above states will be assigned solely to this project. This is necessary because wet weather conditions are likely to obliterate sign and make traps inoperable, therefore traps should be checked daily whenever possible. Enough traps should be set as to require a full day to check them. A memo from the Washington ADC Program office to California, Texas and New Mexico State ADC offices will outline the responsibilities of ADC personnel in the study. Two employees each in California and Texas will be selected by the State Supervisor to conduct the tests. Under normal conditions, it should take each man about 45 days to acquire the 10 coyote visits per device required for statistical comparisons of the treatments.

The trap pan tension devices will be prepared beforehand by DWRC and New Mexico ADC personnel. Conversion kits will be provided to ADC fieldmen to attach pan tension devices to 3-N Victor steel traps which are commonly used by ADC. To impliment the pan springs during 1980 field tests, the trigger portion of the trap pan had to be notched by hand using a file so it would receive and hold the free end of the dog. Recently Alan Armistead and a machinist developed a method for notching the pan by machine. Thus replacement parts for the pan springs will include pre-notched pans. It will be the responsibility of the New Mexico ADC Program to provide at least 100 modified pans and the same number of zinc plated springs. Shear-pin devices will be obtained by the Denver Center, but costs will be charged to the ADC Washington office. Principal investigators will provide technical assistance with trap modifications, trip weight adjustments, data collection and field test procedures. Questionnaire will be provided to all cooperating personnel to obtain input and suggestions. The number of coyote captures and visits will be checked periodically as the study progresses to assure that adequate data are being acquired.

Treatment comparisons in Southeast Texas will include: unmodified traps; improved shear-pin devices; and improved springs. The need to test the steel tape tension device in California was outlined previously. Information is needed on the efficacy of this device in wet conditions. Test Phase I in California therefore will include four treatments: improved shear-pin device; improved pan spring device; steel measuring tape; and unmodified traps. At least 30 coyote visits (about ten per treatment) should be accumulated per ADC cooperator in Texas and 40 visits per cooperator in California.

B. Phase II - Device tests in areas with dry or sandy soils.

Baseline data is available from 1980 tests on the ability of shear-pins and spring devices to exclude non-target animals and capture coyotes in dry climates. Therefore a test will be conducted where dry soil conditions prevail by one fieldman assigned by the California ADC Program. Steel tape devices will be compared with the ability of unmodified traps to exclude designated non-target animals considered to be important (striped skunks, gray foxes & jack rabbits) and their ability to capture coyotes. The test methods and documentation will be as near as possible to the 1980 tests so that the resulting data can be compared with that of last year on the shear-pin and spring device (see January 1980 pan tension field evaluation study plan). Costs of maintaining the cooperating fieldman will be borne by the California ADC Program but supervision on data collection will be provided by Research personnel coincidental to that for other cooperating California ADC personnel.

The individual assigned to the study can probably obtain the necessary data while performing normal trapping duties. Ideally, the trap line should be located where it will be possible to get approximately an equal number of coyotes and non-target species to visit trap sets. The number of captures and visits by coyotes and non-target species will be periodically monitored as the study progress to assure that adequate data are being acquired for both groups. To obtain the desired "balance" in data, some traps may be set for a certain species after trap lines have been in operation for some time.

C. Phase III - Performance of modified and standard traps under freezing and thawing conditions.

Device-equipped traps may be more prone to malfunction under freezing conditions than unmodified traps. Conditions where soil repeatedly freezes and thaws may hamper efficacy. Simulated trapping conditions to assess such effects will be used to compare modified and regular traps. A test will be implemented by setting equal numbers of 20 modified traps with improvements as indicated in Phase I and regular traps in a convenient location. Trip weights will be obtained under a variety of conditions which include: in a vise; in dry unfrozen soil; after the soil is sprinkled and has frozen; and after the soil has frozen and thawed. Traps will be covered with between one-eighth to one-fourth inch of sifted earth. This information will also be used to determine the potential efficacy of the devices in cold climates as compared to regular traps. This test will be conducted entirely by research personnel from the DWRC Predator Management Section.

D. Field procedures - Trap sets and lines similar to those normally used for depredations control activities will be employed to test the devices in Phases I and II. Individual trap locations will be selected by cooperating ADC personnel.

Each trap line will be placed out so as to have equal numbers of standard 3-N traps, traps with spring tension devices, and traps with shear-pin devices (and steel tape devices in California). Which type trap to be set will be predetermined by random selection and be indicated on blank data sheets. All trap sets will be flagged with numbered and color-coded plastic surveying tape (supplied by DWRC).

The ability to identify the footprints of coyotes or other predators (Phase II) that step on the pan and fail to spring the trap is the key to the success of each test. Soil should be carefully sifted to cover the traps so that tracks can be easily identified.

Wheel ruts, trails or other approach paths adjacent to the trap should be left free of leaf litter or other debris so that additional tracks and signs will be evident that might aid in identifying animals visiting the trap. Wind, rain and rodent activity tend to obliterate predator tracks and other identifying signs and therefore traps should be checked as frequently as possible in Phase I and daily whenever possible in Phase II. The use of trap stakes or drag hooks and the length of the trap chains is optional.

E. Documentation

Sample size - The numbers of coyote visits[c/] will vary between areas. The goal for Phase I in Texas is to obtain at least 30 coyote visits per ADC cooperator. In California, 40 coyote visits per cooperator will be needed (because tape devices will be included). It is desirable that the number of visits and/or captures be approximately the same at each type of trap. Since equal numbers of each will be used on all trap lines, this should not be a major problem.

[c/] For this test, a "visit" is defined as an instance when an animal comes to a trap set and steps upon the pan and within the margin but does not trip the trap.

In Phase II the goal is to obtain at least 30 coyote captures and a combined total of 30 visits each for striped skunks and gray foxes. This should yield an approximate total of 15 coyote captures and 15 non-target visits and/or captures each for the steel tape traps and the unmodified traps.

Data Collection and Analysis - The shear-pin and spring devices will be evaluated in Phase I by the coyote trap success rate (percent of coyotes captured that step on the pan). Coyote trap success rates will be determined by dividing the number of coyotes that are captured into the number of coyotes that step on the pan. In addition to these data, all cooperating field personnel will be requested to record instances where mechanical failures or other problems resulted in malfunctions and circumstances affecting the operation of tension devices.

The capture data from all trap lines will be pooled for statistical analysis. With two trappers in each of two states collecting data, the total should include a minimum of 140 coyote captures.

Data obtained on the tape device in Phase II will be compared with 1980 data obtained for the shear-pin and spring devices. Two primary criteria will be used for comparisons, the coyote trap success rate and the percent of designated non-target species that step on the pan and are excluded. The non-target exclusion rate will be calculated by dividing the number of striped skunks and gray foxes that step on the pan and are excluded into the number that are captured. In addition to these data, the fieldman will be requested to keep field notes, taking special care to record instances where mechanical failures or other problems result in malfunctions or circumstances affecting the operation of tension devices. In addition to captures and visits, data will also be collected on soil types and condition, weather, location of the trap on the foot, and the frequency of "pull outs".

The weights of all captured animals will be recorded. This will be used to obtain a general trap exclusion threshold based upon body weight.

The trap pan tension device data will be sent to Dr. Charles Gates, Institute of Statistics, Texas A&M University for statistical analysis. Statistical analysis will involve one-way univariate and multivariate analyses of variance and will consist of:

> Totaling all coyote data by state and comparing capture rates (i.e., visit rates ÷ capture rates) for each type trap.

Statistical analysis in the trip weight test will involve an analysis of variance test comparing each treatment.

8. Schedule

Operational evaluation under optimum soil conditions:	March 15 - June 15, 1981
Operational evaluation under wet soil conditions:	March 15 - June 1, 1981
Final report on operational evaluation:	December 1, 1981
Technical manuscript completion date:	June 30, 1982
Publication date:	June 1983

9. STAFFING

DWRC: F. Turkowski, S. Linhart

ADC: A. Armistead and designated ADC field personnel

10. COST ESTIMATE

Costs to Denver Center

Salaries, permanent (DWRC)	$6,000	Total
Travel (Research)	2,000	
	$8,000	Total

Costs to ADC Program

Shear pin kits	$ 450	
Leaf spring kits	50	
Travel (Armistead)	500	
	1,000	Total

EQUIPMENT AND SUPPLIES

Provided by DWRC:

1. Blank data forms
2. Scales for weighing captured animals
3. Colored surveying tape for marking traps
4. Felt tip marking pens

Provided by ADC:

1. Pan tension devices, including shear pins
2. Pan covers
3. 50-60 3-N Victor Traps per man
   (Supplied from warehouse inventory in each state where tests conducted)

Submitted By:

Frank Turkowski 2/5/81
Frank Turkowski (Date)

Samuel B. Linhart 2/10/81
Samuel B. Linhart (Date)

Approved By:

Samuel B. Lin 2/12/81
Section Chief, Predator Management Research (Date)

U. S. Fish and Wildlife Service
Denver Wildlife Research Center

PROGRESS REPORT SUMMARY: FIELD EVALUATION OF PAN TENSION DEVICES FOR REDUCING THE CAPTURE OF NON-TARGET SPECIES IN STEEL TRAPS SET FOR COYOTES

Frank J. Turkowski[1], Alan R. Armistead[2] and
Samuel B. Linhart[1]

[1] Section of Predator Management Research, DWRC

[2] USFWS Damage Control Program (ADC) New Mexico

September 1981

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TRAP PAN TENSION DEVICES REDUCE CAPTURES OF NON-TARGET SPECIES IN STEEL TRAPS SET FOR COYOTES

To make the steel leghold trap more humane and selective, USFWS Denver Wildlife Research Center Predator Research personnel and Animal Damage Control (ADC) Program employees are cooperating to evaluate trap pan tension devices. One device (Paws-I-Trip^{R}) works on the shear-pin principle by cutting a wire placed through aligned holes in the dog and trap pan. The original trap pan and dog are replaced with the modified parts. When the pan travels downward, the pan and dog slide against each and as the holes become misaligned, the hole edges shear the wire. The force required to spring the trap can be varied by using wires of different diameters. The other device developed by New Mexico ADC personnel, is a curved leaf spring that attaches to the trap base and angles upward to the underside of the pan. Both devices change the trip weight of No. 3-N Victor steel traps (used by ADC in most states) from 1½ pounds to about 4½ pounds.

In 1980 3-N traps with the devices were compared in field tests with unmodified traps in four states. Ten fieldmen collected data on coyote capture rates and the percent on non-target animals that stepped on trap pans but were excluded. As indicated by tracks and captures, more than 300 coyotes and 800 designated non-target animals stepped on the pans of the traps. The traps equipped with the devices were more effective than unmodified traps for excluding the important non-target species which included kit foxes, gray foxes, striped skunks, opossums and jack rabbits. The combined exclusion rates (percent of animals that

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References to trade names does not imply endorsement by the U.S. Fish and Wildlife Service step on pan and are excluded) for all these designated non-target animals for all areas in the 1980 test were 90% for the shear-pin device-equipped traps, 91% for leaf spring devices, and 32% for unmodified traps. Each device apparently decreased the number of designated non-target species trapped by about 60%. In addition to designated non-target species, the devices excluded many other non-target animals including birds and mammals at greater rates than unmodified traps.

Under dry weather conditions, or in sand, the devices did not hamper coyote captures appreciably, but in localities having heavy rainfall and silt or clay soils, the coyote capture rates (percent of coyotes that step on pans and are captured) of device equipped traps were lower than for unmodified traps. In these areas the devices often rusted and the contact points adhered to each other. Heavy pan cover materials also increased trip weights in wet soils. It should be mentioned that in the interest of meeting schedules, some ADC personnel trapped under unusually wet weather conditions. One other problem was that the pans of the shear-pin devices sometimes bent. It was evident that improvements on the devices were needed for wet conditions.

Modifications to improve performance in wet soils included zinc plating-both devices. The improved shear-pin devices are also constructed of heavier gauge steel and an extra hole in the pan for attachment of the wire improves shearing. The spring device now has a pre-stamped notch in the trigger portion of the back of the pan which increases trip weight consistency and makes it easier to implement on a large scale. Using more flexible plastic pan cover material also was intended to improve the trip weights in heavy soils.

Tests are being conducted with the improved devices in 1981 in

Northern California and East Texas where problems occurred last year because clay-like soils and moist conditions prevail. To date 4 fieldmen provided data on 146 coyotes and 103 designated non-target animals that stepped on the trap pans. The exclusion rates for non-target animals are higher than those of the 1980 models of the devices. Thus far the coyote capture rate is 83 for the shear-pin, 91 for the spring and 98 for the unmodified traps. These rates are an improvement over the original models tested in the wet areas last year. The combined exclusion rates for all designated non-target animals are 92 for the shear-pin device, 97 for the spring and 29 for unmodified traps. Thus the improved devices reduced about 65 percent of the non-target species captures in 1981 and would probably function better in sandy and dry soils.

Another factor was included in the trap pan tension devices tests in 1981. Under state law, California ADC Personnel are required to use a trap pan tension device on all leghold traps. Fieldmen in that state presently use a 4 3/8 inch length of steel tape cut from a steel measuring tape replacement blade. The 3/4 inch wide blade is manufactured by the Stanley Works Company, New Britain, Connecticut. The length of tape extends from post to post with the concave side down and makes contact with the underside of the trap pan. This device has a trip weight of about 4½ pounds when used with a Number 3-N Victor Steel trap. Since this steel tape is operational in California, it was advantageous as requested, to evaluate its efficacy compared to the shear-pin and spring devices. Therefore, it was included along with the other devices to be tested by the ADC personnel in California. The data showed a coyote capture rate of 84 and an overall non-target species exclusion rate of 95 percent. Thus it compared favorably with the other tension devices under moist conditions and should function better in dry soil.

The results of these tests should clarify the relative merits and disadvantage of each device and recommendations will provide a basis for decisions regarding operational use of pan tension devices by the U.S. Fish and Wildlife Service's Animals Damage Control Program.

Table 1. Summary of Trap Pan Tension Device 1980 and 1981 Field Tests In Areas with Clay-Like Soils and Moist Soil Conditions (N. California and S.E. Texas).

Non-Target species exclusion rates

Device	Total non-target animals on pan		Number of non-targets excluded		Total non-target exclusion rate		Percent efficacy[1] compared to unmodified traps	
	1980	1981	1980	1981	1980	1981	1980	1981
Shear-pin	179	37	124	34	69	92	160	317
Spring	188	30	129	29	69	97	160	334
Steel Tape[3]	---	22	---	21	--	95	---	327
Unmodified	148	14	63	4	43	29	100	100

Coyote Capture Rates

Device	Total coyotes stepped on pan		Number coyotes caught		Percent coyotes taken		Percent efficacy vs. unmodified	
	1980	1981	1980	1981	1980	1981	1980	1981
Shear-pin	63	42	50	35	79	83	89	85
Spring	65	32	37	29	57	91	64	93
Steel tape	--	19	--	16	--	84	--	86
Unmodified	53	53	47	52	89	98	100	100

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[1] Determined by dividing device non-target exclusion rate by unmodified trap exclusion rate

[2] Determined by dividing device coyote capture rate by unmodified trap capture rate

[3] Steel tape device tested only in California in 1981

Table 2. Summary of Coyote Data From 1981 Test on Improved Versions of Trap Pan Tension Devices in Areas with Clay-Like Soils and Moist Soil Conditions (N. California and S.E. Texas).

Type of Device	No. Coyotes Stepped on Pan	No. Coyotes Caught	Percent Coyotes Caught	No. Coyotes Excluded	Percent Efficacy
California (NW)					
Shear-pin	14	10	71	4	71
Spring	10	8	80	2	80
Steel tape[1]	9	7	78	2	78
Unmodified	15	15	100	0	100
California (NW)					
Shear-pin	14	12	86	2	91
Spring	9	8	89	1	94
Steel tape	10	9	90	1	95
Unmodified	21	20	95	1	100
Texas (SE)					
Shear-pin	10	10	100	0	100
Spring	12	12	100	0	100
Unmodified	10	10	100	0	100
Texas (SE)					
Shear-pin	4	3	75	1	75
Spring	1	1	100	0	100
Unmodified	7	7	100	0	100
Totals					
Shear-pin	42	35	83	7	85
Spring	32	29	91	3	93
Steel tape	19	16	84	3	86
Unmodified	53	52	98	1	100

[1] Steel tape device tested only in California.

[2] Effectiveness compared with unmodified trap captures.

[3] Test incomplete.

FINAL PROGRESS REPORT

U. S. Fish and Wildlife Service
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FIELD EVALUATIONS OF PAN TENSION DEVICES FOR INCREASING THE SELECTIVITY OF STEEL TRAPS SET FOR COYOTES

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Results are incomplete and not for publication, release or use without authority of the Director, Denver Wildlife Research Center.

FIELD EVALUATION OF PAN TENSION DEVICES FOR INCREASING THE SELECTIVITY OF STEEL TRAPS SET FOR COYOTES

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Samuel B. Linhart[1]

EXECUTIVE SUMMARY

- Three types of steel trap pan tension devices were evaluated by DWRC and ADC personnel to assess their selectivity and efficacy for excluding non-target species and capturing coyotes.

- Pan tension devices exclude smaller non-target species by increasing the trip weights of traps.

- Field tests by ADC fieldmen were conducted in 1980 in California, New Mexico, Oregon, Texas and Utah and under moist soil conditions in N. California and S.E. Texas in 1981.

- No. 3-N Victor leghold traps were equipped with one of the following:

  1. A shear-pin device (manufactured by M-Y Enterprises, Homer City, Pa.), which functions by shearing a copper wire placed through aligned holes in a specially designed dog and pan (Fig. 1). The trip weight can be varied by changing the diameter of the wire. Downward pressure on the pan shears the copper wire.

  2. A leaf spring device developed by A. Armistead (N.M. ADC Program) which consists of a curved leaf spring that attaches to the trap base and angles upward to the underside of the pan (Fig. 2). A modified pan and dog are required.

  3. A cut length of steel measuring tape currently used by the California ADC program (tested only in 1981). The piece of measuring tape is inserted lengthwise between the trap posts so that the uppermost or convex portion of the tape rests against the underside of the pan (Fig. 5). Standard trap pans and dogs can be retained when this device is used.

- Over 12,000 trap exposure nights were obtained during the 2 year study. The total number designated non-target species (gray and kit foxes, striped skunks, opossums and jackrabbits) visits recorded for all the devices together in 1980 was 875 and the total for 1981 was 127. Coyote visits totaled 381 and 162 in 1980 and 1981 respectively.

- The coyote capture rates and non-target species exclusion rates (% animals stepped on pan but did not trip trap) of traps equipped with each type of device were compared with those of unmodified 3-N traps.

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- In 1980 the combined exclusion rates for all designated non-target animals were 91% for the shear-pin equipped traps, 90% for the leaf spring devices and 30% for the unmodified traps. Thus both of these devices decreased the number of designated non-target species trapped by about 60% (Table 2). Coyote capture rates for device-equipped and unmodified traps were similar in areas of dry soil, but in wet soils device-equipped traps excluded more coyotes (Table 3).

- Laboratory tests indicated that wet clay-like soils drastically increased trip weights of device-equipped traps.

- Prior to the 1981 field tests, shear-pin and leaf spring devices were zinc plated to reduce rust that caused contact points to adhere. Shear-pin pans were constructed of heavier gauge metal and a second hole was placed in the pan for improved shearing of the wire (Fig. 3). The dog notch in the shank of the replacement pan of the leaf spring device was machine-fabricated for uniformity, thereby decreasing variability (Fig. 4). The use of more flexible pan covers also reduced wet soils problems. The steel tape device was also evaluated in 1981.

- In 1981 the improved devices performed with greater efficacy. Tests of improved devices in wet soils resulted in coyote capture rates of 87% for the shear-pin equipped traps, 92% for the leaf spring, 86% for the measuring tape, and 98% for unmodified traps (Table 5). The improved device-equipped traps would undoubtedly function even better in dry soils.

- In 1981 the improved devices also performed better in excluding non-target animals. The combined exclusion rates for all designated non-target animals was 92% for the shear-pin device, 100% for the leaf spring, 95% for the measuring tape, and 6% for the unmodified traps (Table 7).

- While each of the three devices has certain advantages and disadvantages, capture and exclusion rates were similar. Therefore, trapper preference may be the deciding factor as to which is used.

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Coyotes are known as valuable furbearers and important livestock predators in many states. Trapping is the major method used for fur harvest and for many years has been a principal method of selectively removing coyotes in areas suffering livestock depredation. Because traps are an important tool for the U.S. Fish and Wildlife Service's Animal Damage Control (ADC) program, efforts were begun to examine ways to make trapping more efficient and selective for depredating coyotes (Linhart et al. 1980). While private fur trappers often seek to capture other furbearers along with coyotes, damage control efforts are frequently hampered when traps set for coyotes are sprung by smaller animals. The issues of trap selectivity and efficacy have also been raised in the context of efforts to further regulate the uses of steel traps (Dixon 1929 and 1930, Gipson 1975, Howard 1979, Nichols 1976, Schmidt 1981, Singer 1975, and Todd 1980).

One method of increasing the selectivity of traps set for coyotes is to regulate the amount of force required to spring them so that fewer small furbearers and other non-target species are accidentally captured. Various kinds of trap pan tension devices have been used for many years. Their function is to exclude non-target animal captures. They generally require that a target animal place more weight on its foot before the pan moves far enough to trigger the trap. Such devices, few of which permanently attach to the trap, are placed under the trap pan and include pliable sticks, forked twigs, springs, wires and sponges. However, the trip weight of traps is difficult to control when most of these devices are used. Target animals sometimes step on the pan without springing the trap and small non-target animals may be accidentally taken. In the past, few metal tension devices that permanently attach to the trap have been used successfully (Day 1934). Their disadvantages, which sometimes hampered animal captures, included loss of tensile strength, "pan wobble," and noise when downward pressure was applied to the pan.

Several devices were developed recently that reduce or eliminate the disadvantages of the earlier models. They are permanently attached to the trap with minimum effort and low cost, and appear to more uniformly control the trip weight force. In cooperation with ADC Program employees, Denver Wildlife Research Center biologists were requested to evaluate these new pan-tension devices for use on 3-N Victor steel traps, the trap used commonly by the Service in most western states to capture coyotes. The selectivity and efficacy of device-equipped and unmodified traps was determined under varied conditions in 5 western states during the spring, summer, and fall of 1980 and 1981.

METHODS

Devices tested in 1980

The shear-pin tension device (Paws-I-Trip, Indiana, Pa.) was patented by Medvetz and Yanrick (1980) and worked on the shear-pin principle (Fig. 1). It was installed on the traps by replacing both the dog and the trap pan and shank. The replacement dog had a 1.5 mm (1/16 in) hole in the tip. An oval slot, 1.5 x 5 mm (1/16 x 3/16 in), in the attached end of the pan aligned with the hole in the dog when the trap was set. A thin copper wire or "pin" was placed through both holes and bent around the dog. When the pan moved downward, the pan and dog slid upon each other, the edges of the holes sheared the wire, and the jaw was released. The diameter of the wire used determined the shear trip weight of the trap. In 1980 the traps were set to trip at between 1816 and 2270 gm (4 to 5 lb) when held in a vise by the base.

The pan-tension leaf spring (Fig. 2) was recently developed by one of the authors[1] that is a modification of earlier models developed by the Biological Survey (Day 1934) and the Woodstream Corporation. The new device was broader, made of spring steel and its tensile strength therefore remained consistent. The curved tempered metal spring, 1.4 x 7.5 cm (7/16 x 2 15/16 in), clamped to the base of the trap beneath the pan and functioned continuously with little or no additional maintenance. The spring angled upward when the trap was set and made contact with the underside of the pan and therefore resisted the downward movement of the pan. The shank, attached to the trap pan, was notched above the regular dog notch so that the fall of the pan before the trap tripped was about 3 mm (1/8 in) instead of 12 mm (1/2 in). The tip of the dog was beveled to accommodate the notch. Like the other devices tested, it increased the trip weight of the 3-N trap from 908 grams (2 lb) to about 2270 grams (5 lb).

Devices tested in 1981

Following the initial 1980 field and laboratory tests, the data collected indicated that moist clay and alkali soils affected the efficacy of the shear-pin and spring devices. Improvements were therefore made on both devices and they were again field tested in the problem areas (N. California and S.E. Texas) using test methods identical to those used in 1980. Modifications made to improve performance of the devices included zinc plating the leaf spring and replacement pan and shank, and the pan and dog on the shear-pin device. The improved shear-pin devices were also constructed of heavier 16 gauge steel because of problems with bending. In 1980 there were also some instances when the pins failed to shear when the pan went down. An extra hole in the pan for attachment of the wire improved shearing by stabilizing the wire. (Fig. 3). Smaller diameter copper wire (.29 mm) aided in reducing the shear-pin trip weights. The notch in the improved spring device shank was pre-stamped, which increased trip weight consistency, made large scale fabrication easier, and eliminated the need to bevel the dog tip. (Fig. 4). Use of more flexible plastic pan cover material was intended to improve the performance of all devices in clay-like soils.

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A steel tape device is used by ADC Personnel in California, where state law requires the use of pan tension devices (Fig. 5). Devices were made by cutting a 1.9 cm (3.4 in) wide and 11 cm (4 3/8 in) long piece of steel tape cut from a steel measuring tape replacement blade (Stanley Works Company, New Britain, Connecticut). The tape extends lengthwise from post to post on the trap frame and the convex side makes contact with the underside of the trap pan. Since the steel tape was used operationally in California, we were requested to assess its efficacy in 1981 so that results could be compared to those from the shear-pin and spring devices.

Baseline data were available from 1980 tests on the shear-pin and spring devices to exclude non-target animals and capture coyotes in dry climates. Therefore, so it could be compared to those devices, the steel tape, in addition to being tested in wet areas during 1981, was also tested under dry soil conditions. In this test steel tape traps with plastic pan covers were compared to unmodified traps under dry conditions by one fieldman in N. California.

Field test procedures

California, New Mexico, Texas, Oregon and Utah were selected for the initial 1980 field trials. Test areas and cooperating personnel in each state were suggested by the ADC State Supervisors. Two or more ADC field personnel in each of the 5 test states were detailed to collect data during 1980. The devices were tested in two states in 1981. Supervisors also determined which non-target species were important in their respective states. Selection of non-target species was based on past capture rates, their "value" to the public, and how much their accidental captures interferred with coyote trapping. Larger animals weighing as much as coyotes (e.g. badgers, bobcats, raccoons and porcupines) are seldom excluded by tension devices and therefore were not designated. Designated non-target species and states in which they were selected are as follows: gray fox - California, New Mexico and Texas; kit and swift fox - New Mexico and Texas; striped skunk - California, Oregon and Utah; opossum - Oregon and Texas; jackrabbit - California, New Mexico and Utah.

Authors provided technical assistance and assisted ADC personnel in modifying traps. Devices were tested on No. 3-N Victor traps with offset malleable jaws. Trap lines similar to those used for depredations control activities were employed to test the devices. An equal number of unmodified traps, traps equipped with leaf springs, and those with shear-pin devices were included in each trap line. The type of trap set at any location along the trap line was randomly predetermined. Canvas pan covers were used with the unmodified and shear-pin device-equipped traps and aluminum wire screen pan covers were used with the pan-tension spring traps in 1980. Soil was carefully sifted on the traps so that tracks could be identified. Traps were checked daily when possible.

The numbers of animals that visited, were excluded, or captured in traps (except small rodents) were recorded. A "visit" was defined as an instance when an animal came to a trap and stepped so the track was upon and within the margin of the pan. To be designated as an "exclusion" the entire footprint also had to be within the margin of the edge of the pan.

Weights of captured animals were recorded as were mechanical failures and other effects on the operation of tension devices. Data were also collected on soil type, soil moisture, weather, location of the trap jaws on the foot, and the frequency of animal "pull outs."

It should be mentioned that in order to conform to the time schedules set for data collection, personnel sometimes set traps during rainy weather -- a practice not normally recommended because traps function poorly in muddy soils.

Trip Weight Tests

Tests were conducted to determine if device-equipped traps were more likely than unmodified traps to malfunction under moist and freezing soil conditions. In the first test the unimproved shear-pin and spring devices were compared with unmodified traps after the 1980 field test because it was suspected that wet clay-like and alkali soils hampered the efficacy of the devices. The same pan cover materials used in the field test were also used in the controlled test. Traps were set at Uvalde, Texas, where soil is clay-like. To obtain baseline trip weight data, all types of traps were first clamped by the base in a vise so that the effects of modifications and soil conditions could be determined later. The trip weights of each type of trap were obtained under the following conditions: with the base of the trap clamped in a vise, in dry soil, in dry soil that was sprinkled and allowed to dry and crust. At least 10 traps of each type were tested.

To obtain trip weights, a stand made from a 12 mm (1.2 in) thick steel rod with a 51 mm (2 in) diameter base was placed upon the center of each trap pan. Fifty-one mm (2 in) diameter washers of known weight were placed over the rod and stacked on the base until the trap tripped.

Similar procedures were used in the second test under controlled conditions to obtain trip weights of the improved zinc-plated shear-pin and spring models, and the steel tape device except that plastic pan cover material was used. In this test a Model DPP-25 push/pull dial gauge scale (John Chatillon and Sons, Inc., New York, N.Y.) was used to measure trip weights by pushing down on the center of the trap pan with the shaft of the scale.

In the third trip weight test, field trapping conditions were simulated by setting the improved zinc-plated device-equipped traps, steel tape traps and unmodified traps in trays of soil which were then sprinkled, frozen and thawed at room temperature. The length of time before each trap could be sprung after being removed from the freezer was determined by pushing down on the center of the pan with the scale shaft at 15 minute intervals until the trap tripped.

Data Analysis

Sixty or more coyote visits and 60 visits of each designated non-target species were requested from each of the 5 states in 1980. In 1981, the primary test objective was to obtain data on coyote capture rates under moist clay-like soils conditions. The two fieldmen in each state were asked to obtain 30 coyote visits each. However, incidental data on non-target animals and other information were recorded secondarily during 1981.

The devices were evaluated by two primary criteria; the coyote trap success rate (percent of coyotes captured that step on the pan), and the percent of various non-target animals that stepped on the pan and were excluded (not captured). The success rates of each type of device-equipped trap was compared with those of unmodified traps. Coyote trap success rates were determined for each device by dividing the number of coyotes that stepped on the pan into the number of coyotes that were captured.

The non-target exclusion rate was calculated by dividing the number of non-target animals that stepped on the pan into the number that were excluded.

In 1981 the non-target species exclusion rates and coyote capture rates for the device-equipped traps were compared with those of unmodified traps for each state. The numbers of captures and exclusions for each type of trap (trap treatment) for every state were also added together so they could be compared for all 5 states combined. In 1981 the devices were only evaluated in 2 states so the numbers for each device were combined for the evaluations.

The primary statistical method used to compare non-target species exclusion rates, coyote capture rates, and other differences between device-equipped and unmodified traps was the chi square r x c contingency table for tests of independence of two factors (success verses treatment or type of trap). P-values below the 0.05 probability level ($P<0.05$) indicated that there was a significant difference between rates and differences below the 0.01 level ($P<0.01$) were highly significant. The other statistical method was used in the trip weight test; a two-way analysis of variance to make comparisons among average trip weights of traps set under the various soil conditions. The factors in this test were device type, and the influence of environmental conditions on the efficacy of each device.

RESULTS

1980 Field Tests

During the initial field test in 1980, ADC program personnel in 5 states, using shear-pin, spring equipped and unmodified traps, obtained a total of 9,886 trap exposure nights. These data, tabulated by state, soil type and condition, are shown in Table 1. Footprints of coyotes and all designated non-target species imprinted on the soil covering the pans of all types of traps combined totaled 381 and 875 respectively. Numbers of visits and exclusion rates (percentages) of designated non-target species, according to type of device and area, are shown for the 1980 field test in Table 2.

When data for all designated non-target species were combined in 1980 for all 5 states, according to type of trap treatment, the percent of non-target species that were excluded by each type of device-equipped trap was greater than for the unmodified traps. The total non-target exclusion rate for the shear-pin device was 91%, for the spring it was 90%, and 30% of the animals that stepped on the pans of unmodified traps were excluded. These differences between the exclusion rates of each device and the unmodified traps were statistically highly significant ($P<0.01$).

The devices excluded some non-target species more effectively than others. For all states combined, the shear-pin device excluded the following animals as listed in descending order of efficacy: opossums, jackrabbits, striped skunks, gray foxes and swift and kit foxes. For the spring device, the order of exclusion efficacy was: opossums, kit foxes, gray foxes, skunks and jackrabbits. For all states combined, unmodified traps were much less effective in excluding every non-target species than each type of device equipped trap. The greatest difference between device and unmodified traps exclusion rates was for opossums. The unmodified traps captured all 39 of the opossums that visited them while each type of device-equipped trap excluded all the visiting animals of this species.

The designated non-target species exclusion rates of device-equipped traps were also compared to unmodified trap exclusion rates for each state. The device-equipped traps also excluded a significantly ($P<0.01$) greater percentage of the non-target animals in every state. However, exclusion rates of all types of traps varied between areas, which indicated that geographic factors might have influenced their efficacy. For example, the percentages of gray foxes that stepped on the pans of shear-pin trap pans and were excluded were 69% for Texas, 81% for California and 100% for New Mexico. The spring-equipped traps had similar area differences in non-target species exclusion rates. The exclusion rates of unmodified traps were the most variable by species from one state to another.

Total coyote visit and exclusion rates are shown by trap device type and state in Table 3. The coyote capture rates for all 5 states combined were 71% for the shear-pin device-equipped traps, 66% for the spring devices and 92% for the unmodified traps. These coyote capture rates of both types of devices for all states combined were significantly lower ($P<0.01$) than those of unmodified traps.

Coyote capture rates of device-equipped traps were also compared with unmodified traps for each state. There appeared to be geographic differences in how efficiently the device-equipped traps functioned for capturing coyotes compared to unmodified traps. In Texas the shear-pin coyote capture rate (89%) was significantly higher ($P<0.01$) than that of the spring (81%) and unmodified traps (58%). Though the difference was not statistically significant ($P>0.01$), in Utah the coyote capture rate of the spring traps (100%) exceeded that of the unmodified traps (89%) and in New Mexico both the spring and unmodified traps each took all of the coyotes that stepped on the pans. However, in some states such as California and Oregon the coyote capture rates of one or both devices were significantly lower ($P<0.01$)

than the unmodified traps.

The coyote capturing efficacy of device-equipped traps was compared according to various soil types and the amount of soil moisture in each area. In New Mexico and Utah, where soil conditions were predominantly dry and sandy, the spring-equipped traps took all of the coyotes that stepped on the pans. However, in Northern California and Oregon, only slightly over 40 percent of the coyotes that visited spring traps were taken. The shear-pin traps also captured a lower percentage of visiting coyotes in California and Oregon than they did in the other states. The efficacy of the tension devices was compared to unmodified traps in specific locations in each state by analyzing the data from each fieldman separately. There were differences in coyote capture rates according to soil type and the amount of rainfall in each area. The results of the analysis suggested that extremely wet or moist clay-like or alkali soils such as those in Eastern Oregon, Northern California and East Texas decreased the efficacy of the devices.

To verify that these soil conditions were the main reason device-equipped traps excluded many coyotes, the trip weights of device-equipped and unmodified traps were measured under controlled simulated weather conditions. Unmodified trap trip weights, when traps were set and sprung while held in a vise, averaged 726 gm (1.6 lb), 953 gm (2.1 lb) in dry soil, 1453 gm (3.2 lb) in wet soil, and 1725 gm (3.8 lb) in crusted soil. The average trip weight of shear-pin devices was 2088 gm (4.6 lb) in the vise and 2497 gm (5.5 lb) in dry soil. Under wet conditions, or when wet soils subsequently dried and crusted, shear-pin trip weights averaged 4268 gm and 5357 gm (9.4 and 11.8 lb) respectively. Water droplets often formed on the underside of the pan and on the dog, causing these parts to rust and adhere together. The average trip weight of spring equipped traps in the vise was also 2088 gm (4.6 lb). In dry soil, the average trip weight of these traps with screen pan covers was 2815 gm (6.2 lb). In wet soil the average weight of 3496 gm (7.7 lb) for spring traps with screen covers was slightly lower than that of canvas covers (3768 gm - 8.3 lb). In crusted soil, the average trip weight for screen covers was 4722 gm (10.4 lb) and 3541 gm (7.8 lb) for canvas covers. Moisture formed on the spring and the pan of spring traps set with both screen and canvas pan covers. When spring traps were set in wet and crusted soils the beveled tip of the dog often adhered to the groove in the shank of the pan due to rust. Sometimes as the pan of these traps moved downward there was a snapping sound.

These average trip weights of shear-pin and spring traps set in wet and crusted soils were significantly higher ($P<0.01$) than the average trip weight of the unmodified traps under the same conditions. The results of this test were used as a basis for improving the tension devices. Increased trip weights caused by moist soil conditions were corrected, in large part, by zinc plating and the improvements detailed under Methods (p. 3).

The results of the second controlled test; which included unmodified traps, and the improved zinc-plated shear-pin and spring devices under varied soil conditions, are shown in Table 4. Also included in the table is information on the steel tape device and data on freezing and thawing conditions. Zinc-plating and other improvements on the shear-pin and spring devices decreased their trip weights in moist and crusted soils so that they would be likely to function satisfactorily under field trapping conditions. The average trip weight of the improved shear-pin device in wet soil was 1768 gm (3.9 lb) which was 2500 gm (5.5 lb) lower than the original unimproved model field tested under similar conditions in 1980. The average crusted soil trip weight was 3114 gm (6.9 lb) for the improved shear-pin devices, 2243 gm (4.9 lb) less than that recorded for the unplated model. Zinc plating and other modifications also improved the performance of the spring devices. The wet soil trip weight of the improved spring was 2526 gm (5.6 lb) and 3078 gm (6.8 lb) in crusted soil. These weights were respectively 970 gm (2.1 lb) and 690 gm (1.5 lb) lower than the unimproved spring. The wet soil trip and crusted trip weights of the steel tape were 1793 gm (3.9 lb) and 2483 gm (5.4 lb) respectively. In this test, under all the soil conditions, there were no significant ($P>0.05$) differences between the average trip weights of any of the types of trap pan tension device equipped-traps.

Under controlled testing, the duration of time that a trap could be tripped in wet soil after freezing and thawing was not significantly different ($P>0.05$) between any of the devices and unmodified traps. Following completion of controlled evaluations of the improved devices and the steel tape devices, additional field trials were initiated in spring, summer and fall of 1981.

1981 Field Tests (Improved Devices)

In 1981 four ADC fieldmen located in east Texas and N.W. California, both areas of high moisture, and either clay-like or alkali soils, collected data on unmodified traps and traps equipped with the improved pan tension devices. Table 5 and Fig. 6 show capture rates for coyotes taken in these areas during the 1980 and 1981 tests and compare the efficacy of unmodified traps, the original device-equipped traps (1980) and the improved devices (1981). Data on the efficacy of the steel tape devices which were also tested in California in 1981 is also shown. Zinc plating and other improvements to the spring and shear-pin devices increased their efficacy for capturing coyotes. The shear-pin coyote capture rate was 79% in 1980 and 83% in 1981. The spring capture rate was 57% in 1980 and 94% in the same area in 1981. There were no significant differences (P>0.01) between the coyote capture rates of unmodified and improved shear-pin and spring-equipped traps in 1981.

Besides capturing coyotes more efficiently, the improved shear-pin and spring devices also excluded greater percentages of designated non-target species in 1981 than the original models did the previous year. Table 6 and Fig. 7 summarize the exclusions of non-target species from device-equipped and unmodified traps in the areas with moist conditions with clay-like or alkali soils (i.e. E. Texas and N.W. California) during 1980 and 1981.

The pan tension device-equipped traps were more effective than the unmodified traps in excluding all non-target species in all areas during both years. For both states combined, the devices excluded at least twice as many non-targets as the unmodified traps did. These differences were statistically significant (P<0.01).

In addition to being tested in moist soil, the steel tape device was also compared to unmodified traps in dry sandy soil during 1981. The fieldman working in N. California obtained data on 69 designated non-target species visits and 28 visits from coyotes. All non-target animals that stepped on the pans of steel tape-equipped traps were excluded. The non-target exclusion rate for unmodified traps was 26%; a significantly (P<0.01) lower rate than that of the tape device. The steel tape traps captured 86% of the visiting coyotes and the unmodified trap capture rate was 100% with no significant (P>0.01) difference between these rates.

130

For all areas combined, the location of the trap on each captured coyote's foot was recorded 244 times in 1980 and 130 times in clay-like soil during 1981. Table 7 summarizes these data by type of device as well as the numbers of instances where coyotes pulled out of the traps. None of the devices apparently increased toe catches as there were no significant differences ($P>0.05$) between the spring, shear-pin, tape-equipped and unmodified traps in the percent of captured coyotes that were held by the toes. The percent of all coyotes taken that were held above the foot pads varied from 60 to 78 for all trap types during both years. The percentage of coyotes that were held by the foot pads or toes was more variable, but the differences were also not significant ($P>0.05$) between the types of devices. Figure 8 graphically compares the percentages of captured coyotes for device-equipped and unmodified traps according to the location of the trap jaw on the leg. The data on coyotes that were captured on the foot pads were combined with numbers that were held by the toes according to each device for the histograms.

The body weights of designated non-target animals trapped during the 1980 and 1981 field tests were combined and averaged according to the type of trap in which they were taken. For gray foxes, striped skunks, and jackrabbits, the average body weight of animals taken with each type of tension device-equipped trap was significantly higher ($P<0.05$) than animals of the same species taken in unmodified traps. There was no significant difference ($P>0.05$) in the average body weights of kit foxes taken in all types of traps and all opossums were taken only in unmodified traps so comparisons could not be made for this species.

Although the average body weights of most trapped non-target species varied significantly with trap type, there were no distinct separations in the high and low body weights for each species from one type of trap to another. The lowest average body weight for trapped non-target species was 1725 gm (3.8 lb) for striped skunks taken in unmodified traps and the heaviest non-target average weight was 5720 gm (12.6 lb) for gray foxes taken with spring traps. Therefore, a "weight threshold" or zone could not be established so it could be predicted whether an individual animal or species would be excluded by device equipped traps because of body weight. This would also be difficult to determine because locomotor patterns and weight distribution throughout the body varies with species and these factors determine the amount of force that an animal exerts with its foot as it steps on the trap pan. For example, a hopping jackrabbit may exert more force on the trap pan than a gray fox that is walking slowly as it steps on the trap.

In addition to the species designated as non-target animals, a variety of other non-target animals visited traps during the study. These included red foxes, domestic dogs, spotted skunks, badgers, bobcats, housecats, mountain lions, weasels, ringtail cats, armadillos, porcupines, beavers, cottontails, large ground squirrels, tree squirrels, swamp rabbits, turkeys, geese, buzzards, crows, cara caras, cranes and roadrunners. Though these data were not analyzed statistically, all of these animals were excluded from all types of device equipped traps at greater rates than they were from unmodified traps.

DISCUSSION

Compared to unmodified 3-N Victor traps, the pan tension device-equipped traps were highly effective in excluding the visiting designated non-target species. Even under less favorable soil conditions, the non-target species exclusion rates of all device equipped-traps were one and a half times higher than those of unmodified traps in 1980. In 1981 the improved devices functioned many times more effective in excluding non-target animals than the unmodified traps (Table 6).

Regarding coyote capture rates, the improved shear-pin and spring devices and the steel tape devices respectively were 89, 94 and 86 percent as effective as the unmodified traps in wet clay-like soil conditions Table 5). It is likely that traps equipped with the improved devices would function more effectively for capturing coyotes in dry or sandy-type soils. The pan tension devices exclude coyotes in some instances. However, a coyote that steps on a trap pan and is not captured may return to a trap. A trap that contains a non-target species, is inoperable and can be detected by a "trap-shy coyote." Therefore, in many instances, overall coyote captures would be increased by use of trap pan tension devices.

Under most trapping situations use of the devices would probably decrease time and effort required to locate, release or destroy trapped non-target animals, remove carcasses, and reset traps. Also, when non-target animals are taken in areas where there are trap-shy coyotes, the trap sets often must be relocated and the used traps cleaned or replaced.

Theoretically, the ability of each device to exclude non-target animals in the study areas represents conditions that would prevail over the entire state, several states, or most of the west. Therefore, depending on the circumstances, estimates can be made on the number of non-target species captures that could be prevented during depredations control trapping activities if tension devices were used instead of unmodified traps.

In addition to the data presented in this report, New Mexico ADC fieldmen and supervisors have used the unimproved spring device since 1978 and have reported that it functioned satisfactorily. Approximately 10,000 improved spring devices have also been used with good results on a trial basis in New Mexico, Arizona, Nevada, Oklahoma and Texas since June, 1981. The steel tape device has been used since 1978 by most personnel in California with good results also reported.

Presently the cost of the improved zinc-plated spring device, including pan notching, is $2.10 per unit, and the steel tape costs about $.10 per unit. The zinc-plated shear-pin device is presently available from the manufacturer at $1.70 per unit. These costs would probably be reduced if larger quantity purchases were made. The estimated total cost for the Service to obtain and prepare each 3-N Victor trap for field use is about $30 (including attachment of the chain, drag hook, etc.). Therefore, the cost of implementing any of the pan tension devices would be a small percentage of the initial cost.

If implementation of trap pan tension devices is considered, geographic variations in the efficacy of each type should be evaluated as well as the needs of the fieldmen. Personal preferences regarding the devices were evident among the ADC fieldmen participating in the field tests, as well as in the states where they are used operationally. Since all 3 devices were about equally effective, field personnel should probably be permitted to select whichever device they personally prefer. Adequate written instructions should be provided to field personnel using the devices to insure proper use so results are satisfactory.

This report summarizes the results of 2 years of field trials with 3 types of trap pan tension devices conducted in 5 western states. A technical manuscript is planned and will be submitted for publication in a wildlife journal.

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Table 1. Trap pan tension device test areas, soil types and trap exposure data for 1980 field test.

State	County trapped	Predominant soil type & condition	Type of device	No. trap exposure nights
California	Shasta Siskiyou	Dry & wet gravel Dry & wet sandy loam	Shear-pin	1,050
			Spring	1,044
			Unmodified	1,046
New Mexico	Socorro Sierra Lincoln Union DeBaca	Dry & wet sand	Shear-pin	740
			Spring	750
			Unmodified	743
Oregon	Harney Klamath Yamhill	Wet & Dry sandy loam, damp & dry pumice	Shear-pin	646
			Spring	643
			Unmodified	531
Texas	Refugio Robertson Crosby Floyd Motley	Dry sandy loam & wet and dry red clay & black clay	Shear-pin	713
			Spring	727
			Unmodified	718
Utah	Uintah Millard San Pedro Wayne Garfield	Wet & dry sandy loam, clay	Shear-pin	142
			Spring	253
			Unmodified	140
Five States	20 counties	6 soil types	Shear-pin	3,291
			Spring	3,417
			Unmodified	3,178

Table 2. Exclusion rates of designated non-target species from trap pan tension device-equipped and unmodified traps in 1980 by area.

Area & device	Gray fox		Swift & kit fox		Skunk		Opossum		Jack-rabbit		All non-targets	
	N	%	N	%	N	%	N	%	N	%	N	%
California												
Shear-pin	31	81[1]	---	---	35	91[1]	---	---	60	90[1]	126	88
Spring	19	79	---	---	44	82	1	100	43	79	107	80
Unmodified	13	69[2]	---	---	27	59	---	---	49	57	79	67
New Mexico												
Shear-pin	17	100[1]	6	67[1]	---	---	---	---	18	100[1]	42	95
Spring	16	100	9	100	---	---	---	---	15	93	40	98
Unmodified	5	0	8	0	---	---	---	---	12	83	25	20
Oregon												
Shear-pin	---	---	---	---	12	100[1]	17	100[1]	---	---	29	100
Spring	---	---	---	---	12	100	13	100	---	---	25	84
Unmodified	---	---	---	---	6	0	20	0	---	---	26	0
Texas												
Shear-pin	16	69[1]	9	78[1]	27	100	10	100[1]	10	100	72	90
Spring	30	97	17	88	34	97	18	100	18	94	117	96
Unmodified	11	9	6	17	35	17	19	0	23	13	94	12
Utah												
Shear-pin	---	---	---	---	---	---[1]	---	---	32	94[1]	32	93
Spring	---	---	---	---	6	100	---	---	29	100	35	100
Unmodified	---	---	---	---	3	0	---	---	23	30	26	27
All areas												
Shear-pin	64	83	15	73	74	96	27	100	120	97	301	91
Spring	65	92	26	96	96	91	32	100	105	88	324	90
Unmodified	29	34	14	7	71	31	39	0	107	41	250	30

[1] Designated as important non-target species in the state

[2] In all instances the exclusion rates of unmodified traps were significantly lower ($P < 0.05$) than those of each type of pan tension device-equipped trap.

Table 3. Number and capture rate of coyotes that stepped on pans of tension device-equipped and unmodified traps in 1980, by area.

Area & device	No on pan	No caught	% caught
California			
Shear-pin	27	18	67^{a}[1]
Spring	39	16	41^{b}
Unmodified	17	13	76^{a}
New Mexico			
Shear-pin	15	11	73^{b}
Spring	16	16	100^{a}
Unmodified	24	24	100^{a}
Oregon			
Shear-pin	21	8	38^{b}
Spring	26	11	42^{b}
Unmodified	31	29	94^{a}
Texas			
Shear-pin	36	32	89^{a}
Spring	26	21	81^{b}
Unmodified	36	21	58^{b}
Utah			
Shear-pin	20	16	80^{a}
Spring	20	20	100^{a}
Unmodified	27	24	89^{a}
All areas			
Shear-pin	119	85	71^{b}
Spring	127	84	66^{b}
Unmodified	135	111	82^{a}

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[1] Values within a group with unlike superscript letters are statistically different ($P < 0.05$).

Table 4. Average trip weights (in gm) of unmodified 3-N Victor steel traps and traps equipped with steel tape and improved shear-pin and spring pan tension devices. Average thawing-to-trip times[2] (in min) shown in extreme right column.

Device	In Vise	Dry Soil	Wet Soil	Crusted	Thawed[1]	Thaw to trip time[2]
Shear-pin	1298	1593	1768	3114	1952	310 min
Spring	2084	2261	2526	3078	2792	253 min
Steel Tape	1520	1634	1793	2483	1952	240 min
Unmodified	931[3]	1112	1452	1725	1884	258 min

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[1] Determined by pushing shaft of weight gauge on center of pan until trap tripped.

[2] Determined by placing frozen trays of soil in room temperature until traps could be tripped by pushing on center of pan with shaft of weight gauge.

[3] Average trip weights of unmodified traps are significantly lower ($P < 0.01$) than those of all types of devices in vise and under each soil condition.

Table 5. Coyote capture rates by pan tension device-equipped traps tested in areas with clay-like soils and moist soil conditions. Shear-pin and spring devices with improvements were tested in 1981.

Device	Total coyotes on pan		No. coyotes caught		% coyotes taken		% efficacy[1] vs. unmodified	
	1980	1981	1980	1981	1980	1981	1980	1981
Shear-pin	40	47	30	41	71^{b}[3]	87^{a}	83	89
Spring	53	38	26	35	49^{b}	92^{a}	57	94
Steel tape[2]	--	19	--	16	--	84^{a}	--	86
Unmodified	42	58	36	57	86^{a}	98^{a}	100	100

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[1] Determined by dividing coyote capture rate of the device by unmodified trap capture rate

[2] Steel tape device tested only in 1981 in N. California

[3] Values within a group with unlike superscript letters are statistically different ($P < 0.01$)

Table 7. Location of trap jaws on feet of captured coyotes by type of device and year, and number of instances and percentages of captured coyotes with trap on each part of leg and foot. Number and percentages of instances where coyotes escaped from traps are in extreme right hand column.

	Above foot pads				On foot pads				On toes				Pull outs[1]			
	N		%		N		%		N		%		N		%[2]	
	1980	1981	1980	1981	1980	1981	1980	1981	1980	1981	1980	1981	1980	1981	1980	1981
Shear-pin	52	32	74[3]	78	7	5	10	12	11	4	16	10	6	2	5	4
Spring	49	15	71	60	9	6	13	24	11	4	16	16	13	1	10	2
Tape	-	10	-	77	-	1	-	8	-	2	-	15	-	-	-	-
Unmodified	79	38	75	74	9	6	9	12	17	7	16	14	7	6	4	10

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[1] Not analyzed statistically because some numbers too low for valid comparisons

[2] Number of "pull outs" divided by number of coyotes stepped on pan

[3] No significant differences (P > 0.05) between types of traps for each category of position of trap on foot for both 1980 and 1981.

Figure 1. Unimproved model of shear-pin trap pan tension device evaluated in 1980 field test. Copper wire pin is in position.

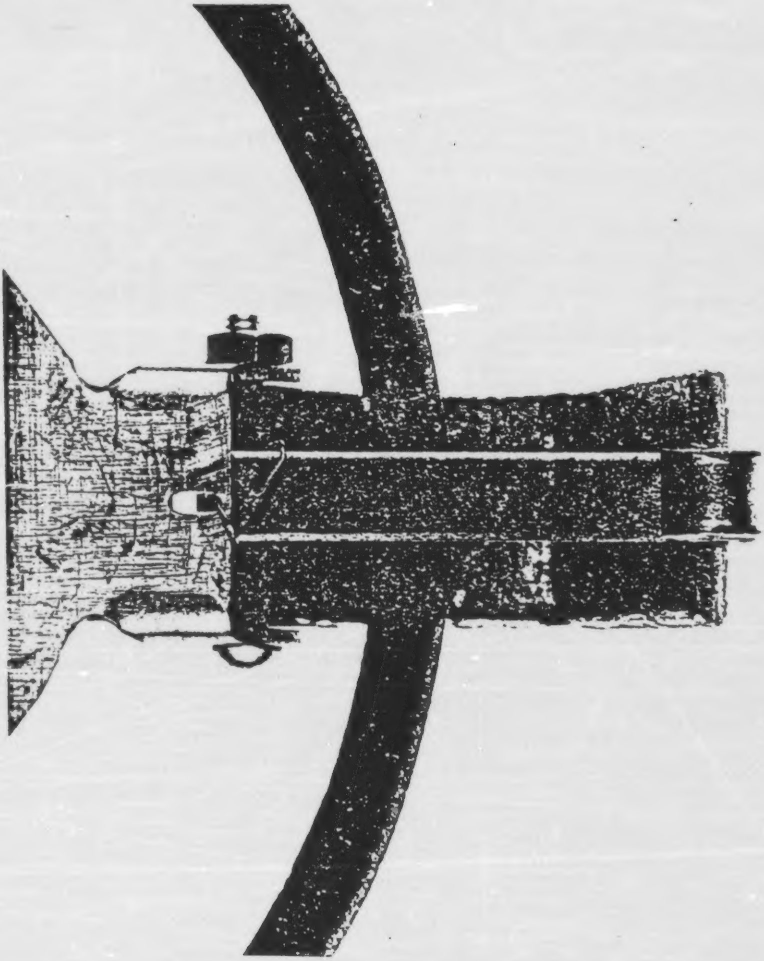


Figure 2. Unimproved model of spring trap pan tension device evaluated in 1980 field test. Beveled tip of dog is set in filed notch on shank.

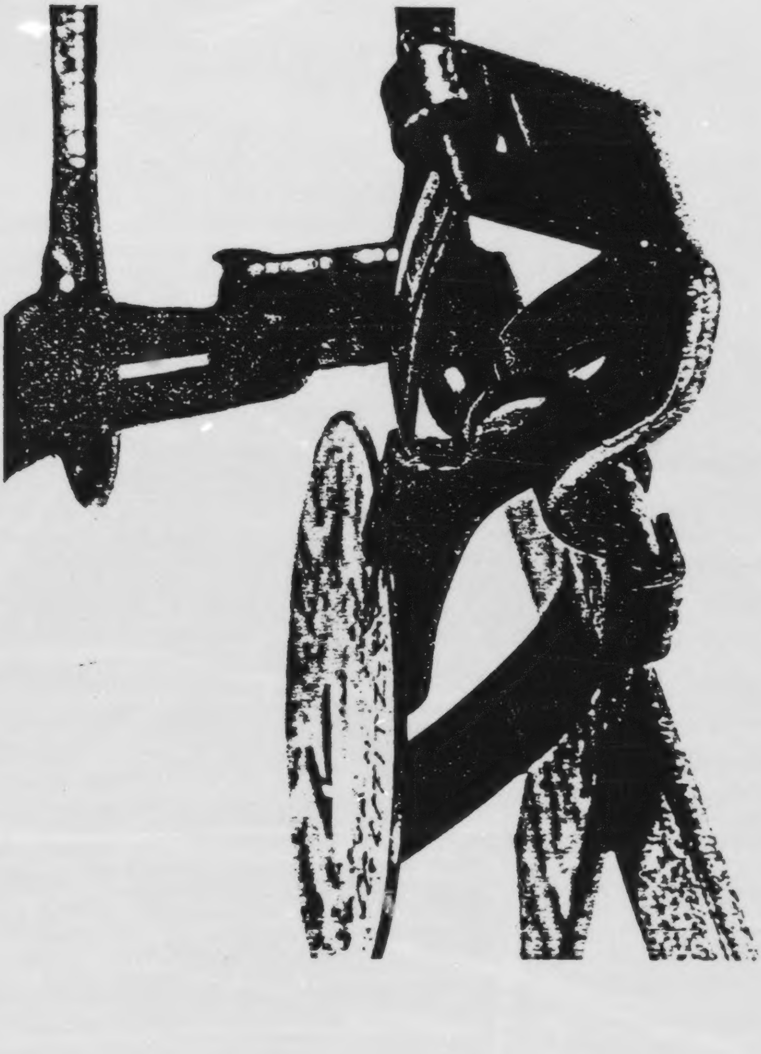
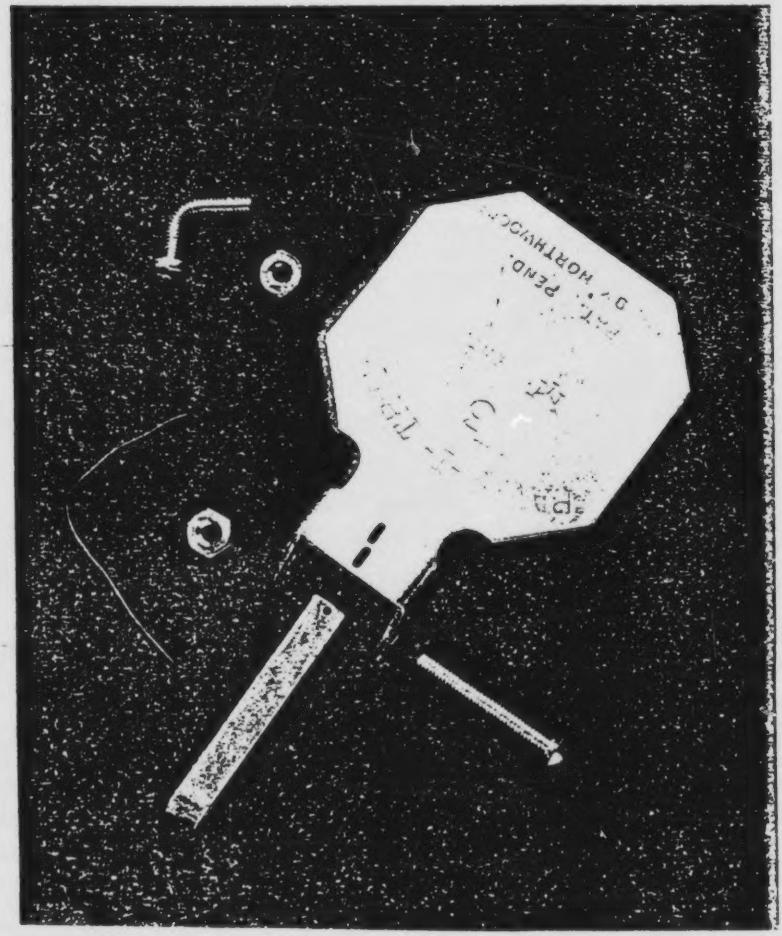


Figure 3. Improved zinc-plated shear-pin tension device with .29 cm. copper wire pin evaluated in 1981.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NORTHWOOD

Figure 4. Improved zinc-plated spring tension device with notch stamped on the shank above regular notch. This model was evaluated in 1981.

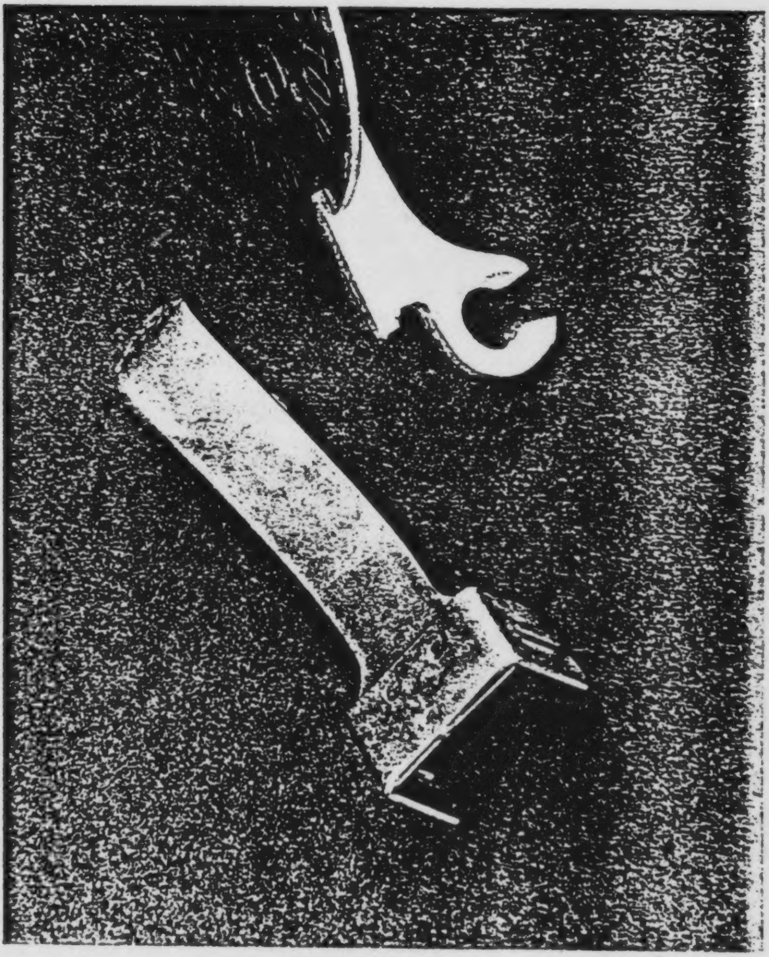
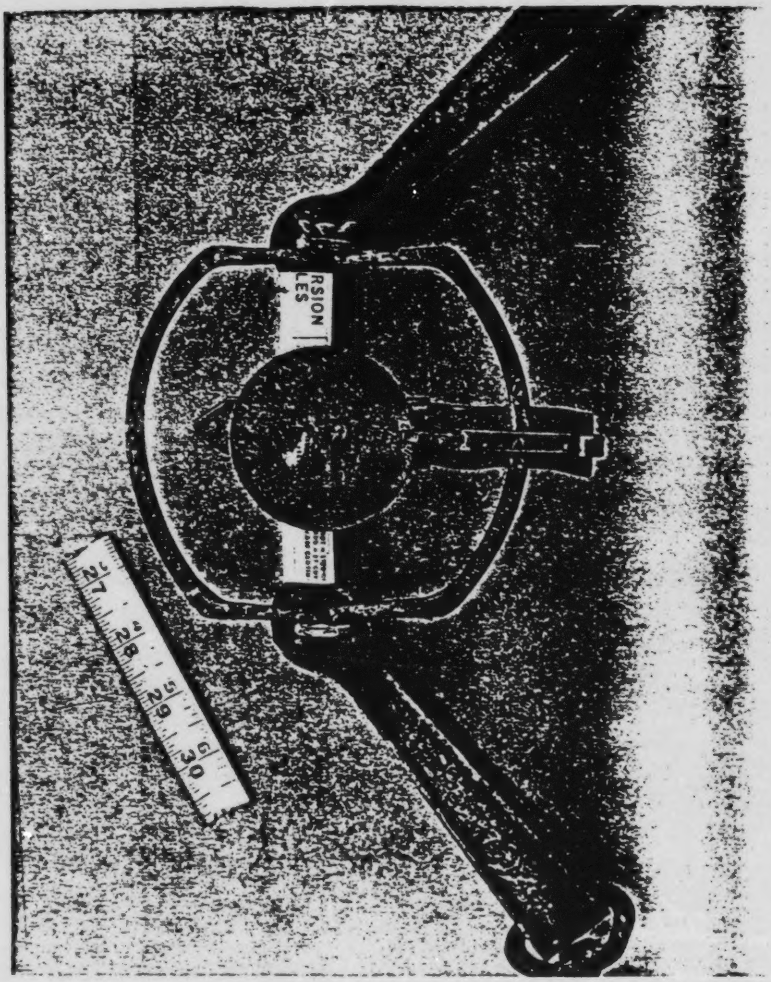


Figure 5. Steel measuring tape pan tension device used by many California Animal Damage Control Program personnel. Device was tested in 1981.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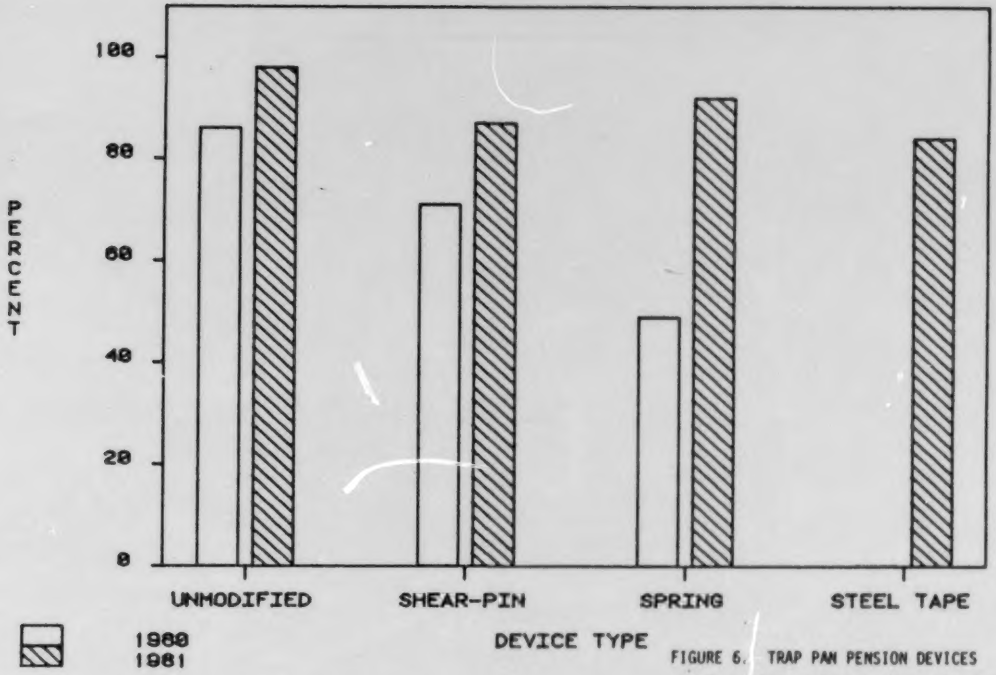

FIGURE 6. TRAP PAN PENSION DEVICES

Coyote capture rates in clay soil areas.
Original models tested 1980.
Improved zinc-plated models tested 1981.

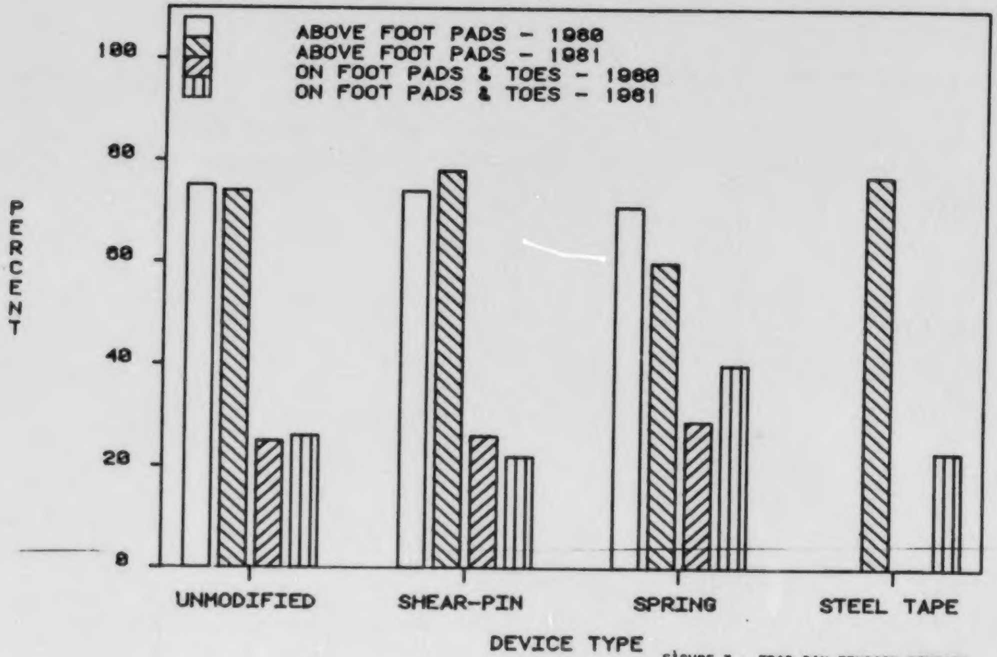

FIGURE 7. TRAP PAN TENSION DEVICES

Location of trap jaws on leg or foot of captured coyotes (all areas combined).

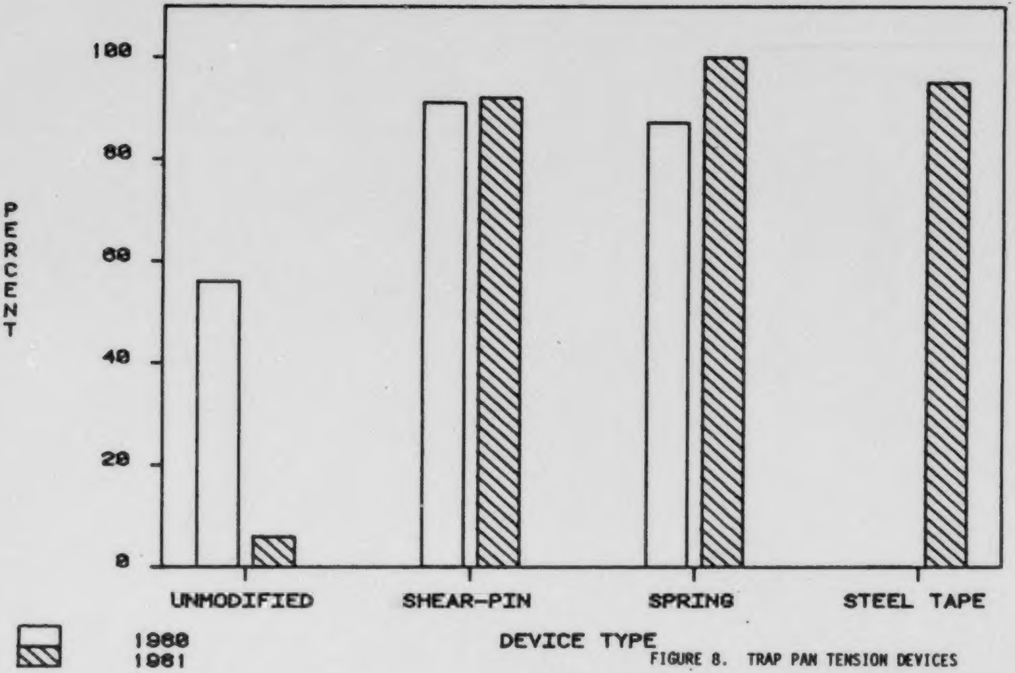

FIGURE 8. TRAP PAN TENSION DEVICES

Non-target exclusion rates in clay soil areas. Original models tested in 1980. Improved zinc-plated models tested 1981.

RESEARCH INFORMATION BULLETIN

No. 83-41 Date September 1983

MODIFIED STEEL TRAPS REDUCE NONTARGET ANIMAL CAPTURES

The Service's Denver Wildlife Research Center and Animal Damage Control Program have completed field evaluation of modified leghold coyote traps that significantly reduce the accidental capture of nontarget species. Selectivity and efficacy were compared for Victor 3N-M steel traps affixed with three types of trap pan-tension devices and for unmodified traps. These tension devices increased the weight required to spring traps so that smaller animals could be excluded while larger ones such as coyotes were captured. One model functioned using a shear pin--a wire placed through aligned holes in the trap dog and pan which sheared when sufficient weight was placed on the pan to spring the trap. Trip weights could be varied by using wires of different thicknesses. A second device consisted of a curved leafspring, that clamped to the base of the trap and rested on the underside of the pan. The third type was a length of steel measuring tape inserted and positioned horizontally under the trap pan. The tape flexed downward when pressure was applied to the pan, thus releasing the trap dog and jaws.

The number of coyote captures and the percent of nontarget species that stepped on, but did not spring, unmodified and device-equipped traps were used to compare efficacy and selectivity. Since it was impractical to collect exclusion-rate data on all species of nontarget animals, we selected gray foxes, kit foxes, striped skunks, opossums, and jackrabbits as representative species. There was very little difference in the performance of the three types of pan-tension devices. In 1981 tests, 92 to 100 percent of the representative nontarget species were excluded, whereas only 6 percent were excluded with unmodified traps. Coyote capture rates for the tension device-equipped traps varied from 86 to 92 percent; the rate for traps without devices was 98 percent. The pan-tension devices, therefore, not only greatly reduced the number of nontarget animals taken but also, by excluding them, left many additional traps operable for taking coyotes.

While private trappers often seek to capture other furbearers along with coyotes, coyote damage control efforts are frequently hampered when traps set for this species are sprung by smaller animals. Traps equipped with pan-tension devices are now being evaluated or used operationally by federally-supervised trappers in Arizona, California, Nevada, New Mexico, Oklahoma, and Texas.

For further information, contact: Samuel B. Linhart, Denver Wildlife Research Center, Building 16 DFC, Denver, CO 80225. FTS 234-2126.

This bulletin is an interim report for information only. The data are considered provisional pending completion of the research and analysis and interpretation of final results. Use of trade names does not imply U.S. Government endorsement of commercial products.

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Animal Damage Control
P.O. Box 518
Pendleton, OR 97801
April 9, 1984

Pan Spring Installation for 3N Victor Traps

The basic installation and adjustment of under-pan (leaf) springs for 3N Victor traps is designed to be relatively quick and simple for anyone familiar with trap mechanics. The original pan should be removed by using a standard screwdriver and the new, modified pan should be clamped firmly in place with a pair of channel-lock pliers. The pan shank has been prenotched just above the regular notch. The spring base is designed to fit the cross member of the trap base and should slide all the way back to the bend in the cross member designed to accommodate the pan shank. The base clamp on the spring can be bent with a small hammer but should be firmly attached using vice-grip pliers.

The most important part of pan spring installation is the trap adjustment once the devices are in place. The dog should be new or in very good condition and should be bent slightly upward in the center to allow it to slip smoothly and quickly when the pan is depressed. To increase the pan depression weight, clamp the trap base in a vise and gradually bend the top of the cross member (where the dog is attached) toward the pan. To decrease the pan depression weight, bend the cross member away from the pan. For these adjustments, use vice-grip pliers to bend the cross member.

To very slightly increase the pan depression weight, grip the loop attaching the dog to the top cross member with vice-grip pliers and gradually close the loop. Be careful to not squeeze the loop so tight that it binds to the cross member.

Test the pan depression weight several times by setting the trap with the dog in the precut notch.

Finally, to decrease the amount of pan fall, file away part of the top of the notch with a regular file until the desired pan fall is selected. When the trap is adjusted correctly it should take about 3-4 pounds to depress the pan. The pan should fall about 1/4 inch before the trap trips.

This entire process should take about 10 minutes and should remain consistent under normal trapping conditions. If you have any questions, please call or write me.

Alan R. Armistead

Alan R. Armistead
Phone: 503/567-2472

Diagram attached

JUN 15 1984

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RH: Pan Tension Devices for Coyote
Foothold Traps • *Turkowski et al.*

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SELECTIVITY AND EFFECTIVENESS OF PAN TENSION DEVICES FOR COYOTE FOOTHOLD TRAPS

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ALAN R. ARMISTEAD, U.S. Fish and Wildlife Service, Animal Damage Control Program, P.O. Box 518, Pendleton, OR 97801
SAMUEL B. LINHART, U.S. Fish and Wildlife Service, Denver Wildlife Research Center, Denver, CO 80225

Abstract: Data were collected on the numbers of coyotes (*Canis latrans*) and nontarget animals that stepped on standard traps and traps equipped with shear-pin, curved leaf spring, or steel tape tension devices and were captured or excluded. The modified 3N-M Victor steel foothold traps were about three times more effective than standard traps for excluding kit (*Vulpes macrotis*) and swift (*V. velox*) foxes, gray foxes (*Urocyon cinereoargenteus*), striped skunks (*Mephitis mephitis*), opossums (*Didelphis virginiana*), and jack rabbits (*Lepus californicus*). Coyote capture rates in initial field tests were lower for modified traps than standard traps when set in wet clay or alkali soils. Shear-pin and leaf spring devices were then modified and zinc-plated to reduce rusting caused by moisture and to improve trap performance. Exclusion rates (percentage of animals that stepped on pans and were excluded) in subsequent field tests for all designated nontarget animals for the wet soil test were 92, 100, 95, and 6 for shear-pin, leaf spring, steel tape, and standard traps, respectively. Coyote capture rates with the improved devices in wet areas with clay or alkali soils were 87, 92, 84, and 98% for shear-pin, leaf spring, steel tape, and standard traps, respectively. The improved devices functioned adequately for use in coyote trapping activities.

J. WILDL. MANAGE. 48(3):~~000–000~~ 700–708

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Steel foothold traps are used for harvesting furbearers and for removing coyotes and other predators from livestock depredation areas. Private fur trappers usually attempt to capture smaller furbearers as well as coyotes, but U.S. Fish and Wildlife Service (USFWS) Animal Damage Control Program (ADC) efforts are hampered when traps set for coyotes are sprung by other animals. Because traps are an important tool in the ADC program, efforts were initiated at the Denver Wildlife Research Center (DWRC) to make trapping for depredatory coyotes more efficient and selective (Linhart et al. 1980). Trap selectivity and efficacy are major issues raised by proponents of restricting or prohibiting use of steel traps (Dixon 1930, Atkison 1956, Gipson 1975, Singer 1975, Nichols 1976, Parsons 1977, Howard 1979, Todd 1980, Schmidt 1981). These issues are also of concern to the USFWS.

One method of increasing trap selectivity for coyotes is to increase the force required to spring them so that smaller species are excluded, and various trap pan tension devices have been developed for that purpose. Such devices, including pliable sticks, forked twigs, springs, wires, and sponges, are placed under the pan, but only a few are permanently attached to the trap (Young 1933, Presnall 1950). Pan tensions are difficult to control with most of these devices; target animals sometimes step on the pan without springing the trap, or small nontarget animals may be accidently caught. A slotted metal tension device ("Biological Survey Pan Spring") that was inserted beneath the trap pan has been used with success (Day 1934), but no efficacy data have ever been published. Disadvantages of the above device, which sometimes hampered captures, included loss of tensile strength, "pan wob-

---

[1] Present address: 12 Donna Drive, Uvalde, TX 78801.

I have checked this proof.
I have marked all changes or
corrections I wish to be made.

Signed ____________

Telephone ____________

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ble," and noise when the pan moved downward.

Several recently developed devices reduce or eliminate the disadvantages of the earlier models and more uniformly control the tension or weight required to trip the trap. In this study, we evaluated the relative selectivity and efficacy of three types of pan tension devices (shear-pin, leaf spring, steel tape) on 3N-M (malleable jaw) Victor steel traps under various field conditions and compared their performance with the standard 3N-M trap.

We are grateful for the cooperation and assistance provided by ADC supervisory personnel and fieldmen. E. J. Medvetz and R. M. Yandrick of M-Y Enterprises, Homer City, Pa., provided advice and the shear-pin devices, and the late P. Hill helped fabricate and improve the leaf springs. C. E. Gates of the Texas A&M Inst. of Statistics and D. L. Otis (DWRC) provided advice and statistical analyses. J. J. Spillett and H. P. Tietjen reviewed the manuscript. The assistance provided by M. L. Popelka, G. J. Dasch, J. D. Roberts, and V. A. Thornsberry (DWRC) is appreciated.

METHODS

Selectivity and efficacy of modified and standard traps were compared under varied conditions in five western states during spring, summer, and autumn 1980 and in two states during the same seasons in 1981.

Description of Devices

The shear-pin tension device (Paws-I-Trip, M-Y Enterprises, 220 Lincoln St., Homer City, PA 15748) (reference to trade names does not imply Government endorsement of commercial products), patented by Medvetz and Yandrick (U.S. Gov. Patent 4,240,223; Fig. 1), is installed on traps by replacing the dog, trap pan, and shank. The replacement dog has a 1.5-mm hole in the tip. An oval 1.5- × 5-mm slot in the attached end of the pan aligns with this hole when the trap is set. A copper wire is placed through both holes and bent around the dog. When the pan moves downward, the pan and dog slide upon each other, the edges of the holes shear the wire, and the trap closes. Wire diameter determines the weight on the pan required to shear the wire and trip the trap. Our traps were set to trip between 1.8 and 2.3 kg. Wires were replaced only when animals actually sprung traps.

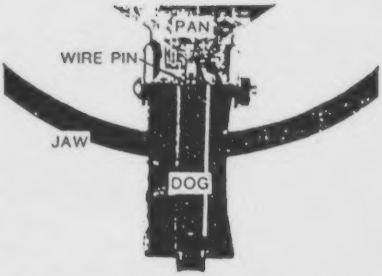

Fig. 1. Prototype shear-pin pan tension device evaluated in initial field test (1980). Copper wire pin is in position.

The leaf spring (Fig. 2) is a modification of earlier models developed by Day (1934) and the Woodstream Corporation (P.O. Box 327, Lititz, PA 17543). The new device is broader and made of spring steel to maintain tensile strength during prolonged use. The 1.4- × 7.5-cm tempered metal spring clamps to the trap base beneath the pan. The spring angles upward to make contact with the underside of the pan. The pan shank is notched above the regular dog notch to limit pan fall to about 3 mm before the trap is tripped. The dog tip is beveled to fit into the notch. The leaf spring increases trip weight from 0.9 to about 2.3 kg.

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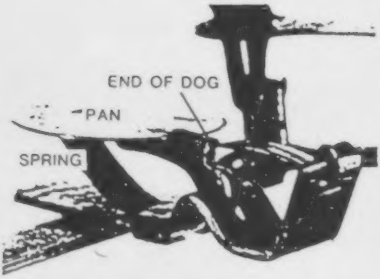

Fig. 2. Prototype leaf spring pan tension device evaluated in initial field test (1980). Beveled end of dog is set in filed notch on pan shank.

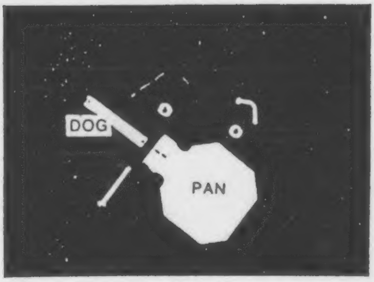

Fig. 3. Improved zinc-plated shear-pin tension device with 0.29-mm copper wire pin.

Wet clay and alkali soils impaired the shear-pin and leaf spring devices in 1980 and improvements were retested in 1981. Modifications included zinc-plating the spring, replacement pan and shank of the leaf spring device, and the pan and dog of the shear-pin device. New shear-pin devices were constructed of heavier 14-gauge steel because of problems with bending. An extra hole in the pan for attachment and stabilization of the copper wire improved shearing (Fig. 3). Smaller diameter copper wire (0.29 mm) reduced shear-pin trip weight to about 1.4 kg for traps clamped by their base in a vise and sprung. The notch in the improved leaf spring device pan shank was prestamped, which lowered vise trip weights to about 2.1 kg and made them more consistent. Prestamped notches also simplified large-scale fabrication, and eliminated the need to bevel the dog tip (Fig. 4).

A length of steel tape is used by ADC personnel in California where state law requires the use of pan tension devices. An 11.0-cm length cut from the 1.9-cm-wide measuring tape replacement blade (Stanley Works Co., New Britain, Conn.) is placed from spring to spring with the convex side making contact with the underside of the trap pan (Fig. 5). We compared its efficacy with the improved shear-pin, leaf spring, and standard traps in 1981. Capture and exclusion rates were obtained in both dry and wet soils so they could be compared with 1980 data on the shear-pin and leaf spring.

Field Test Procedures

Two or more recommended ADC personnel in each of five states (Calif., N.M., Oreg., Tex., and Utah) participated in the 1980 field tests at selected locations. Improved devices were tested the following year in eastern Texas and northern California in areas of high moisture and either clay or alkali soils.

FWS supervisors were asked to identify important nontarget species in their states based on past capture rates, value to the public, and the extent to which accidental captures interfered with coyote trapping. Specific nontarget animals identified by state were gray fox (Calif., N.M., and Tex.); kit and swift fox (N.M. and Tex.); striped skunk (Calif., Oreg., and Utah); opossum (Oreg. and Tex.); and jack rabbit (Calif., N.M., and Utah). In 1980, we attempted to obtain a sample of 30 or more coyote visits and 60 visits of each desig-

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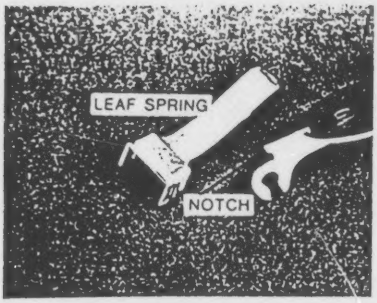

Fig. 4. Improved zinc-plated leaf spring tension device with notch stamped on shank above regular notch.

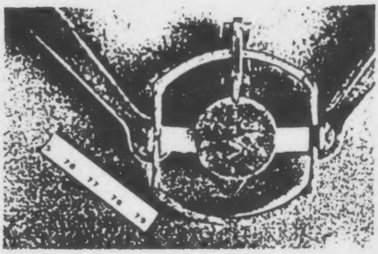

Fig. 5. Steel measuring tape pan tension device used by Animal Damage Control Program personnel in California.

nated nontarget species from each test state. In 1981, we requested 60 coyote visits from each of the two test states (Calif. and Tex.). Larger animals weighing about as much as coyotes, i.e., badger (*Taxidea taxus*), bobcat (*Felis rufus*), raccoon (*Procyon lotor*), and porcupine (*Erethizon dorsatum*), are seldom excluded by tension devices and data on these species were disregarded.

Test trap lines were similar to those used for routine depredation control activities. Equal numbers of standard traps and those equipped with shear-pin devices and leaf springs (and steel tapes in 1981) were set on trap lines along ranch roads. In 1980, canvas pan covers were used on standard and shear-pin device-equipped traps. Aluminum wire screen pan covers were used on the leaf spring traps. More flexible pan covers (made from plastic sandwich bags) were used with all devices in 1981. Traps were set in the usual manner and were normally checked daily. About 5–8 mm of soil was sifted over pan covers and in the immediate vicinity of traps. Animals visiting trap sets were identified by tracks left in the sifted soil.

Numbers of animals that visited traps and that were excluded from them or were captured (except small rodents) were recorded. A visit was defined as an incident in which an animal stepped on and within the margin of the pan and was either captured or excluded. An incident in which an animal stepped on the pan but did not spring the trap was designated as an exclusion.

Weights of captured animals and numbers of traps that failed to function properly were recorded. Data were also collected on soil type and moisture, weather, location of trap jaws on the foot, and frequency of animal pull outs. To conform to schedules set for data collection, traps were sometimes set during rainy weather—a practice not normally recommended because traps function less effectively under wet conditions.

Trap Trip Weight Tests

Trip weights of 10 or more standard traps and 10 equipped with each type of pan tension device were obtained under the following conditions: with the base of the trap clamped in a vise; in dry soil; in soil sprinkled with water until saturated; and in soil sprinkled until saturated and allowed to dry and crust. Trip weights were obtained by placing a vertical 12-mm-diameter steel rod having a 51-mm-

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Table 1. Visits (*N*) and exclusion rates (%) of designated nontarget species at prototype pan tension device-equipped and standard traps (1980).

	Gray fox		Swift and kit fox		Striped skunk		Opossum		Jack rabbit		All nontargets	
Device	*N*	%	*N*	%	*N*	%	*N*	%	*N*	%	*N*	%
Shear-pin	64	83	15	73	74	96	27	100	120	97	300	91
Leaf spring	65	92	26	96	96	91	32	100	105	88	324	90
Standard[a]	29	34	14	7	71	31	39	0	107	41	260	30

[a] Exclusion rates of standard traps were lower ($P < 0.05$) than all types of pan tension device-equipped traps.

diameter base at the center of each trap pan and adding steel washers of known weight onto the rod until the trap was tripped.

Similar procedures were used to obtain trip weights of 10 or more traps, each fitted with the improved zinc-plated shear-pin, leaf spring, or steel tape device. However, a Model DPP-25 push/pull dial gauge scale (John Chatillon and Sons, Inc., New York, N.Y.) was obtained later in the study and used to measure trip weights by pushing on the center of the trap pan with the scale shaft.

Freezing and thawing conditions were simulated by setting improved zinc-plated shear-pin and leaf spring, steel tape, and standard traps in trays of soil which were then sprinkled with water, frozen, and later thawed at room temperature. The time before each trap could be sprung after thawing began was determined by pushing on the center of the trap pan with a gauge scale shaft at 15-minute intervals until it tripped.

Data Analysis

Coyote trap success rates were determined for standard traps and each type of tension device by dividing the number of coyotes that stepped on the pan (i.e., determined by recognizable tracks) into the number of coyotes that were captured.

Because soil types and moisture conditions appeared to influence coyote capture rates by modified traps, the data for 1980 were separated into areas having wet clay or alkali soils and those having dry conditions at the time tests were conducted. The nontarget exclusion rate for each species was calculated by dividing the number of animals that stepped on the pan into the number that were excluded. Nontarget species exclusion rates for the modified traps were compared with standard traps for all areas combined. In 1981, all tests were conducted under similar conditions and results with the improved devices were combined and evaluated by species only.

The chi-square $r \times c$ contingency table analysis was used to compare capture and exclusion rates between modified and standard traps, by species. Average trip weights in controlled trip weight tests were compared by two-way ANOVA.

RESULTS AND DISCUSSION

Prototype Device Field Tests (1980)

ADC personnel in five states accumulated data for 9,886 trap nights comparing prototype shear-pin, leaf spring-equipped, and standard traps. Coyote and designated nontarget visits to all traps combined totaled 374 and 875, respectively.

The percent of all nontarget species excluded by each type of modified trap during the 1980 tests was greater ($P < 0.05$) than for standard traps (Table 1). Mean exclusion rates for combined designated

Table 2. Capture rates of coyotes that stepped on pans of prototype tension device-equipped and standard traps by soil condition (1980).

Soil and device	Stepped on pan (N)	Caught (N)
Dry and sandy		
Shear-pin	55	43*
Leaf spring	47	47
Standard	62	59
Wet clay or alkali		
Shear-pin	61	38*
Leaf spring	76	35*
Standard	73	67

* Significantly ($P < 0.05$) fewer caught than with standard traps.

nontarget species for shear-pin and leaf spring-equipped traps were 91 and 90%, respectively. Only 30% of the animals that stepped on standard traps were excluded.

The shear-pin device, for all soil types combined, excluded the following in descending order of efficacy: opossums, jack rabbits, striped skunks, gray foxes, and swift and kit foxes. Exclusion order for the leaf spring device was: opossums, kit and gray foxes, striped skunks, and jack rabbits. The greatest difference between modified and standard traps was for opossums. Standard traps captured all 39 opossums that visited them, whereas modified traps excluded all visiting opossums. Modified traps excluded a greater percentage of nontarget animals in each test state ($P < 0.01$).

Coyote capture rates for all the soil types and conditions in five states combined were 70, 67, and 93% for shear-pin devices, leaf spring devices, and standard traps, respectively (Table 2). Capture rates for both prototype devices (all areas) were lower than for standard traps ($P < 0.05$).

The efficacy of modified traps for taking coyotes was then compared by soil type and moisture. In New Mexico and Utah, where soil conditions were mostly dry and sandy, leaf spring-equipped traps captured all coyotes that stepped on the pans. However, in northern California and Oregon, in wet soils only about 40% of the coyotes visiting leaf spring-equipped traps were captured. Similar problems were encountered with the shear-pin-equipped traps. Data indicated that wet clay or alkali soils increased trip weights of prototype devices so much that some visiting coyotes did not spring the traps.

Trap Trip Weight Tests

Simulated weather conditions under controlled procedures verified that soil moisture was responsible for increased trip weights of modified traps. Trip weights of standard traps set and sprung while held in a vise and in dry, wet, and crusted soil averaged 0.7, 1.0, 1.5, and 1.7 kg, respectively. Under wet conditions and in dried and crusted soil, shear-pin trip weights averaged 4.3 and 5.4 kg, respectively. Water droplets formed on the underside of the pan and the dog, causing them to rust and adhere. Average trip weight of leaf spring traps with canvas and screen pan covers in wet soil was 3.5 and 3.8 kg, respectively. In crusted soil, average trip weight for canvas and screen covers was 3.5 and 4.7 kg, respectively. Moisture formed on the leaf springs and trap pans of traps set with both types of pan covers. In wet and crusted soils the tip of the dog often rusted and adhered to the groove in the pan shank. Downward movement of the pan often broke this adhesion, which caused a snapping sound that could alert animals and thus prevent captures. Mean trip weights of shear-pin and leaf spring traps set in wet and crusted soils were higher ($P < 0.01$) than trip weights of unmodified traps under the same conditions.

The average trip weight of the improved shear-pin device in wet soils was 1.8 kg, or 2.5 kg less than the 1980 prototype. The average trip weight in crusted

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Table 3. Coyote capture rates by improved pan tension device-equipped and standard traps in areas with wet clay or alkali soils (1981).

Device	Stepped on pan (N)	Caught (N)	% efficiency vs. standard[a]
Shear-pin	47	41	89
Leaf spring	38	35	94
Steel tape	19	16	86
Standard	58	57	100

[a] Determined by dividing coyote capture rate of the device by standard trap capture rate × 100.

soil was 3.1 kg for the improved shear-pin device, or 2.2 kg less than the unplated model. Trip weights of improved leaf springs in wet and crusted soil were 2.5 and 3.1 kg, 1.0 and 0.7 kg lower than the prototype leaf spring, respectively. Trip weights for the steel tape in wet and crusted soil were 1.8 and 2.5 kg, respectively. There were no ($P > 0.05$) differences between mean trip weights of any improved pan tension devices and standard traps.

The time required for standard and modified traps frozen in wet soil to thaw and trip ranged from 240–310 minutes. None of the time periods differed ($P >$ 0.05).

Improved Device Field Tests (1981)

Improvements (shear-pin device: zinc-plating, placing an extra hole in the pan, heavier gauge steel for the pan, smaller diameter copper wire; leaf spring: stamping the notch in the pan shank, eliminating the bevel of the dog tip, and more flexible plastic pan covers for all devices) increased the coyote capture rate in wet clay or alkali soils from 62% (prototype) to 89% (improved) for shear-pin traps and from 46% (prototype) to 94% (improved) for leaf spring-equipped traps in the same test areas used in 1980 (Table 3). Either a single improvement or a combination of two or more improvements was responsible for better performance. There were no differences ($P > 0.05$) in coyote capture rates between the standard and either improved device-equipped trap. Data on numbers of coyotes that pulled out of traps were inadequate for statistical analysis.

In wet clay or alkali soils, each device excluded more nontarget animals ($P <$ 0.01) than did standard traps (Calif. and Tex. combined) (Table 4).

In addition to tests under wet conditions, the steel tape-equipped traps were compared with standard traps in dry sandy soil during 1981. In northern California, we collected data on 28 and 69 visits by coyotes and designated nontarget species, respectively. All nontarget species visiting steel tape-equipped traps were excluded; 26% were excluded by standard traps ($P < 0.01$). Steel tape traps captured similar numbers (86%) of visiting coyotes compared to standard traps (100%) ($P >$ 0.05).

The position of the trap on the foot of captured coyotes was recorded for 374 coyotes. There were no differences ($P >$ 0.05) in the frequency of toe catches between standard, prototype, and improved device-equipped traps. Captured coyotes held above the foot pads varied from 60 to 78% for all trap types.

Mean body weights of designated nontarget animals were compared with the type of traps in which they were captured. The mean body weights of gray foxes, striped skunks, and jack rabbits taken with each type of modified trap were higher ($P < 0.05$) than for the same species taken with standard traps. Mean body weights for kit foxes did not differ ($P >$ 0.05) between modified and standard traps.

The lowest mean body weight for nontarget species by trap type was 1.7 kg for striped skunks taken in standard traps. The highest nontarget species mean weight was

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Table 4. Nontarget animal (all species) exclusion rates of prototype and improved pan tension device-equipped traps tested in areas with wet clay or alkali soils.

Device	Animals stepping on pan (N)/animals excluded (N) Exclusion rate (%)		% exclusion efficacy vs standard[a]	
	Prototype	Improved	Prototype	Improved
Shear-pin	167/152 91**	49/45 92**	162	1,533
Leaf spring	161/140 87**	40/40 100**	155	1,667
Steel tape[b]	—/— 0	21/20 95**	—	1,583
Standard	103/58 56	17/1 6	100	100

** Significantly ($P < 0.01$) greater exclusion rate than with standard trap.

[a] Determined by dividing nontarget exclusion rate of each device by standard trap exclusion rate.

[b] Steel tape device tested in California second year only.

5.7 kg for gray foxes taken with leaf spring-equipped traps. A threshold weight could not be established whereby we could predict if an individual or a species would be excluded from modified traps because of body weight. Locomotor patterns and weight distribution vary with species, and these factors most likely determine the amount of force that an animal exerts as it steps on the trap pan.

In addition to the nontarget species, over 25 other small nontarget mammalian and bird species visited the traps during the study. These data were not analyzed statistically but these animals were excluded at greater rates by modified than by standard traps. The effects on such nontarget species should also be regarded when the merits of trap pan tension devices are considered.

Modified traps occasionally failed to capture coyotes, but by excluding many nontarget animals, more traps remained set and operable for taking coyotes. Overall, coyote captures should therefore increase through the use of trap pan tension devices. The devices also decrease time and effort required to release or dispose of trapped nontarget animals, remove carcasses, and reset traps.

ADC personnel have told us that their trappers in New Mexico have used the unimproved leaf spring device since 1978 with satisfactory results. ADC records indicated that about 10,000 improved leaf spring devices have been used satisfactorily on a trial basis since June 1981 in New Mexico, Arizona, Nevada, Oklahoma, and Texas. We have been told by California ADC personnel that steel tape-equipped traps have been used with good results by ADC trappers in that state since 1978.

Each of the three devices we tested has different advantages and limitations. The steel tape is the least expensive but cannot be permanently attached to the trap, which is an important consideration if use of such devices is made a mandatory requirement for trappers. The current cost of the improved zinc-plated leaf spring device including pan notching is $2.10 per trap; the steel tape costs about $0.10 per unit. The zinc-plated shear-pin device is presently available for $1.70 per unit. These costs might be reduced if high volume purchases were made. The steel tape

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may not function on other types of traps, whereas the shear-pin device is available for various type traps. The pressure required to spring traps having shear-pin devices can be varied by using different diameter wires, and the device can thus be adjusted for animals of varying weights. However, replacing wires is more time-consuming and can be more difficult in adverse weather conditions such as blowing snow or dust. The leaf spring can be used in adverse weather without the need to make adjustments when the trap is reset. Because all three devices produced about the same results, local conditions, size and type of trap, and trapper preference should dictate which is selected for use.

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Received 23 September 1983.
Accepted 15 November 1983.

PADDED TRAPS - ATTACHMENT 1

Thomas R. Hoffman, District Supervisor, ADC
Union Gap, Washington

April 4, 1979

Project Leader, Depredations Control
Denver Wildlife Research Center, Denver, Co.

Field Evaluation of Steel Traps with Padded Jaws

There is a good possibility we will be running some tests of steel traps with padded jaws next fall. I ran across the Washington District Annual Report for FY-1974-75 and on page 5 reference is made to field tests of several different types of padded jaws. I would very much like to obtain a copy of any information or data relating to the above field tests. Additionally, do you know if Ade Zajanc ever wrote up, in memo or report form, the materials and products he obtained from various plastic companies?

Any help or information you can provide would be greatly appreciated.

Samuel B. Linhart

Attachment

SBLINHART-mbj-4-4-79

UNITED STATES DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

U.S. FISH & WILDLIFE

Division of Animal Damage Control

WASHINGTON DISTRICT

506 West Valley Mall Blvd.
Union Gap, Washington 98903

Cooperating with

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Adams, Benton, Chelan, Clark, Douglas,
Grant, Kittitas, Klickitat, Lewis,
Lincoln, Pierce, Skamania, Spokane,
Stevens, Walla Walla, Whitman, and Yakima

and

OKANOGAN COUNTY HORTICULTURAL & TRAFFIC ASSOCIATION

ANNUAL REPORT

7-01-74 - 6-30-75

Mileage rates were set at 11¢ per mile for two wheel drive vehicles and 12¢ per mile for four wheel drive.

Field Testing

Zonolite, a commercial insulation was tested in mixtures with sand, sawdust and manure as a trap bedding for use during the wet and freezing weather in efforts to keep traps working during adverse periods.

Test areas this winter indicated that this material may well be worth consideration and the cost in critical damage control situations.

Several different types of padded jaws were tested both in the lab and in field trials. This principal of padding the jaws shows much promise and adaptability, especially in densely populated areas and towards public relations.

In pursuing this adaption to traps, Pocatello Supply Depot, manager Ade Zajanc has been in touch with several plastic companies and has received a number of applicable products that appear worth trying.

Items of Interest

Coyotes may often cause calf losses by indirect action and the loss may never actually be charged to coyotes unless witnessed as in the following instances.

One rancher reported that during a feeding operation he witnessed a coyote teasing a cow with a new born calf. In her efforts to ward off the coyote, the cow slipped on the frozen ground and fell on the calf, killing it. Unless this incident had been witnessed it may easily have been counted as a still born calf and never associated with coyote attack.

Another incident that was witnessed, occured when coyotes frightened several cows causing them to stampede and trample to death several calves.

District Supervisor Tom Hoffman responded to an unusual request for assistance dealing with coyotes.

A large plastic pipe was being utilized to irrigate 35 acres of corn and in each row a small valve allowed the proper amount of water to flow and irrigate the corn.

Coyotes found these valves to be an ideal source of drinking water, but proceeded to chew on the valves and tear large holes in the main pipe. The results were washed out rills and consequently a lack of water to some sections of the planting.

Because the farmer did not want steel traps set at the time, propane exploders were employed to keep coyotes away.

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PROGRESS REPORT ON TESTS OF THREE TYPES OF PADDING MATERIAL FOR TRAP JAWS CONDUCTED BY U. S. FISH AND WILDLIFE SERVICE DIVISION OF ANIMAL DAMAGE CONTROL

Prepared by Darrel C. Juve
August 2, 1976
California

INTRODUCTION

Tests on three candidate materials to be used as padding for trap jaws of No. 3N Oneida Victor double spring offset jawed leg hold traps were conducted by the U. S. Fish and Wildlife Service, Animal Damage Control, between June of 1975 and April of 1976 in two counties in California. The trials were conducted to evaluate the adequacy of these materials as a possible padding to cushion and increase the humaneness of the leg hold trap without significantly reducing the operational effectiveness of the device.

The tests were conducted by District Field Assistant Vollie Bisnett, Cottonwood, California (Shasta County) and District Field Assistant Harold Hettema, Jr., Grenada, California (Siskiyou County). Both of these men are under the supervision of District Supervisor DeLyle Rowley, Redding, California.

The candidate materials tested were:

(1) Dow Corning #1890 Sealer and Dow Corning #1200 Primer Coat.

(2) 3M Scotchtite 105C-1 (Shrink on tubing)

(3) 3/16" foam rubber attached with contact cement.

Results

(1) Dow Corning #1890 Sealer and #1200 Primer: This material must be painted on to the trap jaws. The steps include cleaning the jaws, applying the #1200 primer and then coating of jaws with the #1890 sealer to a thickness of 2/32 to 3/32 of an inch.

Treated and untreated traps were set under identical conditions and in close proximity to one another so that accurate comparisons could be made of the results.

A total of 40 coyotes were captured by both District Field Assistants in traps coated with the Dow Corning material and five coyotes (12-1/2%) pulled free from the traps.

District Field Assistant Bisnett reported that traps had to be recoated 80% of the time after an animal was captured and District Field Assistant Hettema reported that recoating was necessary after each capture.

In both tests an odor problem associated with the Dow Corning material was noted. Coyote avoidance and digging at the trap was detected. In addition, rodents were attracted to and dug out coated traps more frequently than the uncoated traps. Prior to placement, coated traps were allowed to dry and air out for seven days and DFA Hettema recommended airing an additional 14 days.

An additional problem may exist when coated traps are used during high temperatures. DFA Bisnett reported that the Dow Corning sealer coating had a tendency to break loose or slip when temperatures exceeded 95 degrees Fahrenheit.

All coyotes captured in the coated traps were examined to determine the extent of foot injury. DFA Bisnett reported that there was no appreciable difference in swelling and skin damage between coated and uncoated traps. DFA Hettema reported that swelling and skin damage to the foot was more severe on coyotes captured in the coated traps than on coyotes captured in the uncoated traps. It appears that this material may act as a tourniquet and cause an excessive curtailment of total circulation in the leg and foot region.

(2) 3M Scotchtite 105C-1 (Shrink on tubing): This tubing was attached to the trap jaw before they were placed on the trap. Heat was applied from a sun lamp at about 105 degrees Fahrenheit to cause the necessary shrinkage. Caution is necessary when shrinking the Scotchtite tubing as excessive heat will damage the material. The covering on the jaw is approximately 1/32" thick.

Coated and uncoated traps (control) were set on operational trap lines in the field test conducted on the Dow Corning material. Damage to the coating on the jaws was similar to that experienced while using the Dow Corning material. However, repairs to the Scotchtite coating were more difficult under field conditions and required breaking the damaged jaws out of the trap and replacing them with new coated jaws. If an alternate method of attaching this material to trap jaws cannot be found, use of this material will be extremely impractical in an operational program.

Foot injury and swelling as a result of capture in the Scotchtite coated trap was the same as in uncoated traps. However, sufficient numbers of coyotes were not captured to draw sound conclusions and further testing appears to be warranted.

(3) 3/16" foam rubber (glued on): Trap jaws were covered with strips of 1/2" x 5" x 3/16" foam rubber material attached with contact cement. Traps were dried and aired for seven days prior to placement on the trap line. Field tests were conducted in the same manner as those tests on the Dow Corning and 3M Scotchtite material.
Damage to the foam padding as a result of capturing an animal were similar to the damage incurred in the other two field tests. Replacement was required.
Odor from contact cement and the foam rubber could be a problem though tests were not of sufficient number to be conclusive.
Foot injury and swelling were comparable to that of the uncoated jaws. Further testing might indicate a problem with circulation restriction.

CONCLUSIONS

All of the candidate materials tested to date fail to reduce foot injury and swelling as a result of capture. In the case of the soft Dow Corning material, injury and swelling was more severe, in some instances, than that occurring as a result of capture in uncoated or unpadded jawed traps (Control Group).

Sufficient captures of coyotes in traps coated with 3M Scotchtite tubing and foam rubber were not made and therefore results cannot be considered conclusive at this time.

Further testing and more data will be gathered on the 3M Scotchtite 105C-1 tubing, as soon as sufficient material can be delivered. Data will be gathered on techniques to repair damaged padded jaws in the field, assessment of foot injury, potential odor problems and resultant coyote behavioral changes and trap nights of usage for both treated and control groups.

Further testing of the foam rubber padding may be done in the future. However, the inherent odor holding quality of this type of material may deter any operational use considerations.

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RESEARCH ON STEEL LEGHOLD TRAP MODIFICATIONS[1] - 1981

The following is a brief summary of studies aimed at modifying steel traps used by federal predator damage control specialists for the capture of coyotes.

Tranquilizer Trap Tabs

Trap tab field tests were conducted from 1977 to 1981. Several different types of trap tabs containing various formulations and dosages of central nervous system depressants were affixed to one jaw of standard 3N Victor long spring traps. Coyotes caught in these traps were left for either one (±24 hours) or two (±48 hours) nights. Foot injury was compared to that of coyotes taken in traps without tabs. Numbers of coyotes taken varied from 19 to 22 per "treatment". Results are shown in Table 1. The best results at the ±48 hour interval were obtained by using 1125 mg of Librium (Chlordiazepoxide HCl) and 25 mg of Tranvet (Propiopromazine HCl) formulated in propylene glycol and placed in a molded rubber trap tab (available from R. McBride, Box 725, Alpine, TX 79830). Eighty-two percent of the coyotes taken had little or no foot damage compared to only 10 percent of coyotes taken in traps without tabs. Similar results were obtained at a ±24 hour interval by using 600 mg of Tranvet which, when used alone, provides a shorter period of CNS depression than the 48 hour formulation mentioned above. Categories of foot damage used for all field trials summarized herein are shown in Appendix 1.

Modified Trap Chains

Standard 3N Victor long spring staked traps with 3 ft. kinkless chains were modified as follows:

1. Trap chain shortened to 30.5 cm (12 in).
2. Trap chain shortened to 30.5 cm and fastened to center of trap base.

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[1] Most of the data in this summary was presented in a paper given at the Worldwide Furbearer Conference, Frostburg, Maryland, August 3-11, 1980.

3. Coiled spring fastened between standard 91.0 cm chain and trap stake. Spring specifications: .23 cm (.092 in) music wire, 1.91 cm OD and 15.2 cm long between hooks (.750 x 6 in), with 54 active springs, 3.2 kg (7 lb) required to stretch spring 2.54 cm (1 in).

Twenty to 21 coyotes were taken per "treatment". Foot damage was compared to that sustained by coyotes taken in standard 3N traps with 3 ft. staked chains. Neither shortening the trap chain, shortening the chain and affixing it to the base of the trap, or adding a coiled spring resulted in overall less foot damage (Table 2). The addition of a spring might have reduced the frequency of broken bones, but small sample sizes made this conclusion tenuous and the occurrence of moderate or severe cuts was not reduced.

Padded Jaws

Research on padded-jaw traps began in fall 1980. Following two unsuccessful field tests of a DWRC-fabricated padded jaw trap, a third conducted in spring, 1981 provided encouraging results. A prototype 3N double coil spring trap with padded jaws provided by the Woodstream Corporation, Lititz, PA, reduced coyote foot injury significantly. Eight-five percent of 20 coyotes taken sustained little or no foot damage after being left in traps for 48 hours. Only 10-14 percent of coyotes taken in traps with unpadded jaws sustained similar injuries, with the remaining 86-90 percent having moderate or severe cuts or broken bones. Additional field tests of several different types of padded jaw traps are planned. Reduction in foot damage by mechanical modification of traps offers advantages over the use of CNS depressants; one major factor is that handling and distribution of chemicals is avoided, as is the need for federal registration by the Food and Drug Administration. However, extensive evaluations are needed to ensure that comparable efficacy is maintained under different soil and weather conditions and that cost and maintenance are acceptable under operational use.

The research discribed above has been conducted in accordance with approved Annual Work Plans of the FWS, Denver Wildlife Research Center. Objectives are limited to steel trap modifications as they might apply to use by federally-employed predator damage control specialists, and not to the private fur trapper or commercial fur industry.

Samuel B. Linhart, Gary J. Dasch,
and Frank J. Turkowski
September, 1981

Data and results of this summary are intended for informational purposes only and should not be cited or published without the prior approval of the Denver Wildlife Research Center.

Table 1. Coyote foot damage sustained in standard and trap tab-affixed 3-N Victor steel traps.

Trap tab formulation	Trap tab type	Approx. time left in trap (hr)	No. coyotes taken	FREQUENCY OF OCCURANCE				Percent "acceptable" damage
				No damage or slight cut(s)	Moderate or severe cut(s)	Broken bone(s)	Dead from overdose	
None (control)	-	24	21	3	16	2	-	14.3
Propiopromazine HCl (600 mg)	Stevensen	"	22	18	4	0	0	81.8
"	Dasch "A"	"	20	15	5	0	0	75.0
"	Dasch "B"	"	19	17	2	0	0	89.5
"	McBride	"	20	17	3	0	0	85.0
Propiopromazine HCl (200 mg) Reserpine (1.5 mg)/starch (398 mg)	Dasch "A"	"	22	13	8	1	0	59.1
None (control)	"	48	20	2	14	4	-	10.0
Propiopromazine HCl (200 mg)/ Reserpine (1.5 mg)/starch (398 mg)	"	"	20	11	7	2	0	55.0
Propiopromazine HCl (300 mg)/ Reserpine (1.5 mg)/starch (398 mg)	"	"	22	6	11	3	2	27.3
Propiopromazine HCl (300 mg)/ Reserpine (3.0 mg)/starch (398 mg)	"	"	20	10	8	0	2	50.0

Table 1. (cont.).

Trap tab formulation	Trap tab type	Approx. time left in trap (hr)	No. coyotes taken	FREQUENCY OF OCCURANCE				Percent "acceptable" damage
				No damage or slight cut(s)	Moderate or severe cut(s)	Broken bone(s)	Dead from overdose	
ChlorDiazepoxide HCl (750 mg)	Dasch "A"	"	20	7	13	0	0	35.0
Chlordiazepoxide HCl (1125 mg)	"	"	21	6	10	4	1	28.6
Chlordiazepoxide HCl (750 mg)/ Propiopromazine HCl (25 mg)	"	"	20	8	10	2	0	40.0
Chlordiazepoxide HCl (1125 mg)/ Propiopromazine HCl (25 mg)	"	"	21	15	6	0	0	71.4
Chlordiazepoxide HCl (1500 mg)/ Propiopromazine HCl (25 mg)	"	"	20	13	5	1	1	65.0
Chlordiazepoxide HCl (1125 mg)/ Propiopromazine HCl (25 mg)/ Propylene glycol	McBride	"	22	18	4	0	0	81.8

Table 2. Coyote foot damage sustained in standard and trap chain-modified 3-N Victor steel traps.

Trap modification	No. coyote taken	Frequency of occurance			Percent "acceptable" damage
		No damage or slight cut(s)	Moderate or severe cut(s)	Broken bones	
None (control)	21	5	9	7	23.8
Short chain	20	2	13	5	10.0
Short chain on trap base	21	0	16	5	0.0
Coil spring on chain	21	4	16	1	19.0

Appendix 1. Methods for categorizing coyote foot damage as defined for DWRC studies.

Coyotes are normally trapped by one front foot and the jaws of the trap usually close across the paw. The paw frequently becomes swollen as a result of impaired circulation. Cuts commonly occur across the top of the paw and are inflicted as a result of struggles to escape. The severity of cuts will vary as to number, length, width, and depth. Assignment of such cuts into definitive categories such as slight, moderate, or severe is therefore difficult as they may range from a single very small abrasion or cut 1 or 2 mm in length that does not extend through the skin, to a single large, deep cut up to 3 cm extending across the entire upper surface of the paw exposing underlying tendons and bones, to several smaller linear cuts across the width of the paw. One or more of the latter may be sufficiently severe as to expose the bone or tendon. One or more bones within the paw may also be broken and can generally be detected by carefully flexing and feeling of the paw. When initial attempts to categorize differing degrees of foot damage proved frustrating, we simplified our procedure by using the following classifications to characterize injury.

Slight or no Damage

a. No damage

b. Swollen foot

Appendix 1. (cont.).

c. A small (<0.5 cm), shallow puncture hole or cut through the skin and underlying tissue or fascia. If visible, no damage to tendon(s) or bone(s).

d. Cuts or skin abrasions larger than 0.5 cm but not extending through the skin, underlying tissue or fascia.

Moderate or Severe Damage

a. A large (>0.5 cm), deep cut through skin and underlying tissue or fascia. Tendon(s) and bone(s) exposed.

b. A series of two or more smaller (<0.5 cm) but deep cuts across the paw exposing tendon(s) or bone(s).

c. Cut tendons

d. Broken bones

e. Any coyotes found dead in traps due to an apparent overdose of CNS depressant.

Coyotes that sustained slight or no visible foot damage were assigned to an "acceptable" injury category; those with moderate or severe foot damage, broken bones, or that died from overdoses, were categorized as "unacceptably" injured. Other data were recorded to indicate trap tab efficacy but for various reasons were not considered satisfatory.

U.S. FISH AND WILDLIFE SERVICE
Denver Wildlife Research Center
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SUMMARY OF DWRC STEEL LEGHOLD TRAP RESEARCH: FY 1982[1]

July 1982

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[1] Research conducted by the Section of Predator Management Research under Work Unit 932.12, "Assess the efficacy, selectivity, and humaneness of coyote capture devices." Results presented here are incomplete and not for publication, release or use without the permission of the Director of the Denver Wildlife Research Center.

Development and research on steel trap modifications were continued in fiscal year 1982 and are summarized below. All field tests were conducted using 3-N Victor long spring traps with either offset malleable or stamped jaws. Data on coyote capture rates and nontarget species exclusion rates were collected for the trap pan tension device tests. However, data for all other tests summarized in this progress report are limited to information regarding foot damage sustained only by coyotes since too few other species were trapped to provide meaningful measurements.

Trap Pan Tension Devices

A cooperative study (ADC and DWRC) was conducted in 1980 and 1981 in California, New Mexico, Oregon, Texas, and Utah. Data analyses and a final progress report[2] were completed in May 1982 and a manuscript will be submitted to a technical journal in the near future. The Executive Summary and two graphs (Figs. 1 and 2) from the progress report are reproduced below.

EXECUTIVE SUMMARY

- Three types of steel trap pan tension devices were evaluated by DWRC and ADC personnel to assess their selectivity and efficacy for excluding nontarget species and capturing coyotes.

- Pan tension devices exclude smaller nontarget species by increasing the trip weights of traps.

- Field tests by ADC fieldmen were conducted in 1980 in California, New Mexico, Oregon, Texas, and Utah and under moist soil conditions in N. California and S.E. Texas in 1981.

- No. 3-N Victor leghold traps were equipped with one of the following:

    1. A shear-pin device (manufactured by M-Y Enterprises, Homer City, Pa.), which functions by shearing a copper wire placed through aligned holes in a specially designed dog and pan. The trip weight can be varied by changing the diameter of the wire. Downward pressure on the pan shears the copper wire.

    2. A leaf spring device developed by A. Armistead (N.M. ADC Program) which consists of a curved leaf spring that attaches to the trap base and angles upward to the underside of the pan. A modified pan and dog are required.

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[2] Copies of this report can be obtained from Dr. Frank Turkowski, U.S. Fish and Wildlife Service, Agricultural Research & Experiment Station, P.O. Drawer 1051, Texas A&M, Uvalde, TX 78801; phone 512/723-6542.

3. A cut length of steel measuring tape currently used by the California ADC program (tested only in 1981). The piece of measuring tape is inserted lengthwise between the trap posts so that the uppermost or convex portion of the tape rests against the underside of the pan. Standard trap pans and dogs can be retained when this device is used.

- Over 12,000 trap exposure nights were obtained during the 2-year study. The total number of designated nontarget species (gray and kit foxes, striped skunks, opossums, and jackrabbits) visits recorded for all the devices together in 1980 was 875 and the total for 1981 was 127. Coyote visits totaled 381 and 162 in 1980 and 1981, respectively.

- The coyote capture rates and nontarget species exclusion rates (% animals stepped on pan but did not trip trap) of traps equipped with each type of device were compared with those of unmodified 3-N traps.

- In 1980 the combined exclusion rates for all designated nontarget animals were 91% for the shear-pin equipped traps, 90% for the leaf spring devices and 30% for the unmodified traps. Thus both of these devices decreased the number of designated nontarget species trapped by about 60%. Coyote capture rates for device-equipped and unmodified traps were similar in areas of dry soil, but in wet soils device-equipped traps excluded more coyotes.

- Laboratory tests indicated that wet clay-like soils drastically increased trip weights of device-equipped traps.

- Prior to the 1981 field tests, shear-pin and leaf spring devices were zinc plated to reduce rust that caused contact points to adhere. Shear-pin pans were constructed of heavier gauge metal and a second hole was placed in the pan for improved shearing of the wire. The dog notch in the shank of the replacement pan of the leaf spring device was machine-fabricated for uniformity, thereby decreasing variability. The use of more flexible pan covers also reduced wet soils problems. The steel tape device was also evaluated in 1981.

- In 1981 the improved devices performed with greater efficacy. Tests of improved devices in wet soils resulted in coyote capture rates of 87% for the shear-pin equipped traps, 92% for the leaf spring, 86% for the measuring tape, and 98% for unmodified traps (Fig. 1). The improved device-equipped traps would undoubtedly function even better in dry soils.

- In 1981 the improved devices also performed better in excluding nontarget animals. The combined exclusion rates for all designated nontarget animals were 92% for the shear-pin device, 100% for the leaf spring, 95% for the measuring tape, and 6% for the unmodified traps (Fig. 2).

- While each of the three devices has certain advantages and disadvantages, capture and exclusion rates were similar. Therefore, trapper preference may be the deciding factor as to which is used.

Padded jaw traps

Development and field evaluation of padded jaw traps began in fall 1980, continued in 1981 and 1982, and hopefully will be completed by April 1983. In spring 1981, a prototype No. 3 double coil spring trap with offset, stamped, padded jaws (designated as Woodstream pad No. 1) provided by the Woodstream Corporation, Lititz, PA, provided very good results. Of 20 coyotes taken and left in traps for about 48 hours, 17 (85%) sustained little or no foot damage.

In FY 1982, several types of trap pads were field-tested. In all instances, coyotes were left in traps for approximately 48 hours (i.e., coyotes were removed from traps the day after they were found captured). When initial results appeared promising, trapping continued until 20 coyotes were taken; however, for tests where pads were obviously ineffective, sampling was stopped after 5 coyotes were captured. Pads were affixed to both jaws of Victor 3-N long spring traps staked to 3-ft chains affixed to the trap spring. Damage sustained in padded traps was compared with similar data from coyotes taken in standard unpadded traps in a prior year. Measurement of foot injury for 20 coyotes taken in unpadded traps indicated that 10% had little or no foot damage. Appendix 1 describes the method used to assess damage. The types of trap pads tested and sources of material are summarized below:

A. Woodstream Corporation (Lititz, PA 17543)

Woodstream No. 2: This synthetic rubber pad, having a scored and concave inner surface, completely enclosed the jaw of the trap. It was almost identical to that tested on the Woodstream No. 3 double-coil spring trap in FY 1981. Since the Service's ADC Program routinely uses the 3-N long spring trap, the FWS requested that it be affixed to a prototype Victor 3-N trap. The prototype provided for evaluation had offset stamped jaws. The pad was affixed to the jaw by a formed L-shaped metal retainer strip pop-riveted to the end of the jaw. This attachment method allowed the retainer strip to pivot away from the jaw when pads needed replacement. The other end of the retainer strip was secured to the jaw by means of a threaded screw passing through aligned L-shaped brackets on both retainer strip and jaw. Fourteen of 20 coyotes (70%) taken in traps with these pads sustained little or no foot damage.

B. M-Y Enterprises (220 Lincoln St., Homer City, PA 15748)

M-Y No. 1: This pad consisted of a black neoprene channel material manufactured for sale as an outdoor gasket material. Each pad was affixed to the jaw of the trap by means of a sheet metal retainer strip form-fitted to the underside of the jaw. The rubber pad containing three pre-punched holes was placed between the underside of the jaw and the retainer strip and three threaded screws were secured through aligned holes in the jaw, pad, and retainer strip. The lip of the pad extended about midway to the top of the jaw. Ten of 14 coyotes taken (71%) sustained little or no foot damage. Six additional coyotes will be trapped to complete the test.

M-Y No. 2: This pad was nearly identical to M-Y No. 1, excepting that the lip was extended to reach the top of the trap jaw. Twelve of 20 coyotes (60%) sustained little or no foot injury. Therefore, extending the lip of the pad did not result in improved performance.

C. Trim-Lok, Inc. (7220 Compton Blvd., Paramount, CA 90723)

Trim-Lok No. 1: This company manufactures a U-shaped edge trim for a variety of commercial uses. Their product consists of various configurations of a flexible steel or aluminum core made of staple-like clips coated with either PVC or neoprene. The Trim-Lok evaluated had optional gripping "barbs" located within the metal core. Trim-Lok No. 1 consisted of a U-shaped trim (#1350 x 5/16") with a raised textured surface to provide increased gripping force. All of the five coyotes taken in traps with this pad sustained either moderate or severe foot damage or broken bones. Coyotes were able to pull apart the metal clips comprising the core of the pad and pieces of this material were found scattered about the traps. Pads were completely torn off four of the five traps in which coyotes were taken.

Trim-Lok No. 2: This pad was similar to Trim-Lok No. 1 excepting that a hollow neoprene seal was glued to the U-shaped channel (#1375 x 5/16" w/hollow seal). It was hoped that addition of the seal material would provide additional cushioning. All five coyotes taken in traps with this pad sustained either severe cuts or broken bones. As with Trim-Lok No. 1, coyotes were able to pull apart the pads and none were intact at the time coyotes were removed from traps.

D. Ranchers Supply (Box 725, Alpine, TX 79830)

McBride No. 1: This pad consisted of a molded U-shaped neoprene pad in which were embedded three fastening wires. The wires were wrapped around the jaw and the ends twisted with pliers to hold the pad in place. The pads were received late in the testing season and only two coyotes were taken with these pads. However, in one instance pads were completely pulled off the jaws and only the tie wires remained. In the second instance, one-half of a pad had been completely torn away from the jaw and retaining tie wires. Both coyotes sustained unacceptable foot damage. Several more coyotes will be trapped with this type pad but it appears that the tie wires are not adequately secured within the neoprene pads and that a better means of affixing pads to the jaws is needed.

Results of tests to date are summarized in Table 1. Additional development and field evaluation of padded-jaw traps will be carried out in fall 1982 and spring 1983.

Lethal Trap Tabs

Cloth tabs containing strychnine and wired to trap jaws were used for many years in the past to kill animals taken in steel leg-hold traps. Animals biting at traps containing such tabs consumed a lethal dose of the toxicant. The technique was later modified for use with a central nervous system (CNS) depressant or "tranquilizer" to reduce the struggling of trapped coyotes. Up to 90% of coyotes taken in traps having tranquilizer tabs sustained little or no foot damage. However, presently the use of CNS depressants has certain inherent disadvantages; for example, dosages adequate for coyotes are lethal to smaller carnivores, FDA registration would be required for operational use, and cost of chemicals may be high. An alternative approach to the use of CNS depressants is to exclude as many nontarget species as possible with pan tension devices, and to destroy all other trapped animals with a lethal trap tab. Limited research on this approach was endorsed by ADC at a meeting held in Albuquerque in November 1981.

A pilot field test of toxic trap tabs, using sodium cyanide (NaCN) and para-aminopropiophenone (PAPP), was run in winter, 1981-82. The tests were carried out on private land in South Texas behind locked gates on which warning signs were posted. Hollow neoprene rubber trap tabs obtained from Rancher Supply, Alpine, Texas (R. McBride) were used to contain the toxicants. Tabs were closed with a cork and the ends sealed with "Shoe Goo." Both NaCN tabs and the PAPP tabs (500 mg/ml) were formulated in propylene glycol. A solution of 10% H_2O and 90% propylene glycol was used as a carrier for the NaCN; the carrier for PAPP was 100% propylene glycol. Tabs were affixed to the jaws of 3-N Victor traps with nylon self-locking straps and a trap line for each type tab was placed out and checked daily to determine the percent of trapped coyotes killed by each toxicant.

It was noted that the NaCN tabs had a slight odor characteristic of this compound as they were affixed to traps and also when traps were set in the ground. Of 21 traps set out, 10 were dug up by coyotes in a 2-day period. Two of four coyotes taken in NaCN-equipped traps were found dead. Because odor eminating from these tabs was obviously a problem, the NaCN test was terminated. It is of interest that a similar odor problem was encountered when the DWRC attempted to use NaCN in toxic sheep protection collars. More promising results were obtained with PAPP. Of 20 coyotes captured in traps having PAPP tabs, 16 (80%) were found dead. Another DWRC researcher who helped conduct this test, using identical tabs, had less positive results. Only four of seven coyotes taken (57%) by him were found dead. Too few bobcat, skunk, raccoon, and badger were taken to assess the lethality of PAPP tabs to these species.

Further research on lethal trap tabs will be dependent upon advice solicited from administrators of the ADC Program.

Samuel B. Linhart
Frank J. Turkowski
Gary J. Dasch
July 20, 1982

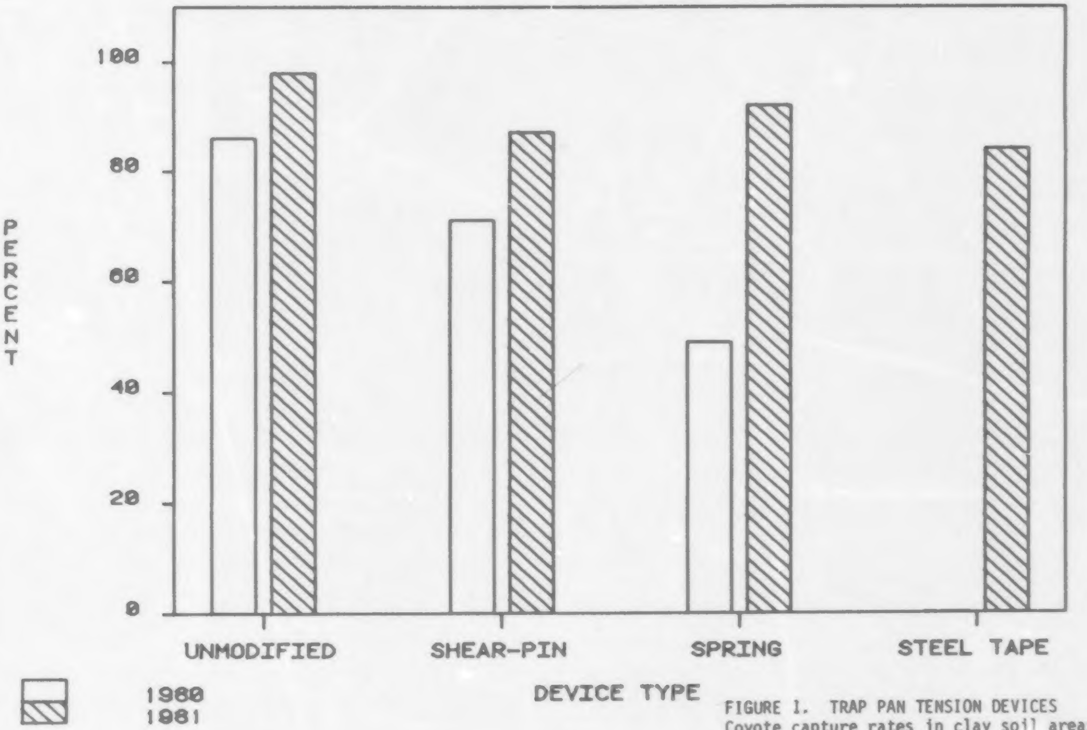

FIGURE I. TRAP PAN TENSION DEVICES
Coyote capture rates in clay soil areas.
Original models tested 1980.
Improved zinc-plated models tested 1981.

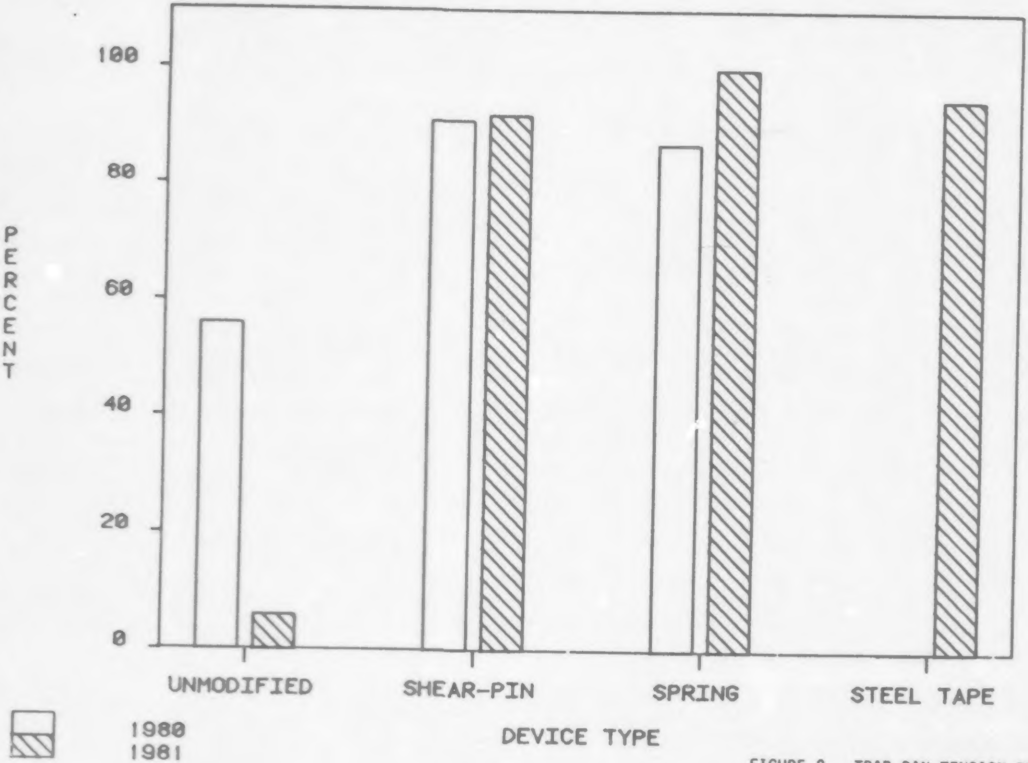

FIGURE 2. TRAP PAN TENSION DEVICES

Nontarget exclusion rates in clay soil areas.
Original models tested 1980.
Improved zinc-plated models tested 1981.

Table 1. Foot injury sustained by adult coyotes taken in padded-jaw traps (data obtained as of July 1982).

Type trap used	Type pad tested	Number coyotes taken	Number coyotes with little or no foot damage	Percent coyotes with little or no foot damage
Victor No. 3 double coil spring (offset, stamped jaws)[a]	Woodstream No. 1	20	17	85%
Victor 3-N long spring (offset stamped jaws)	Woodstream No. 2	20	14	70%
Victor 3-N long spring (offset, malleable jaws)	M-Y No. 1	14[b]	10	71%
"	M-Y No. 2	20	12	60%
"	Trim-Lok No. 1	5	0	0%
"	Trim-Lok No. 2	5	0	0%
"	McBride No. 1	b	-	-
Victor 3-N long spring standard trap (offset, malleable jaws)[a]	Unpadded	20	2	10%

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[a] Data presented were collected in prior fiscal years.

[b] Additional coyotes will be trapped to complete this test.

U. S Fish and Wildlife Service
Denver Wildlife Research Center
Building 16, Federal Center
Denver, Colorado 80225

SUMMARY OF DWRC STEEL LEGHOLD TRAP RESEARCH

September 1983

Research conducted by the Section of Predator Management Research under Work Unit 932.12, "Assess the efficacy, selectivity, and humaneness of coyote capture devices." Results presented here are incomplete and not for publication, release or use without the permission of the Director of the Denver Wildlife Research Center.

The Denver Wildlife Research Center (DWRC) has continued research and evaluation of steel leghold traps with major objectives of increasing their selectivity and reducing the foot damage of captured animals. All such efforts were focused on the coyote or those nontarget species that might be taken in traps set for coyotes. Continued emphasis on the coyote was dictated by operational use of traps by the U.S. Fish and Wildlife Service's (FWS) Animal Damage Control (ADC) program. The vast majority of traps used by ADC-supervised personnel were set to resolve coyote-livestock damage problems in the western U.S. In general, with the exception of Texas where No. 4 Newhouse traps were commonly used, the Victor 3N-M long spring trap (offset malleable jaws) was the trap preferred for taking coyotes. Three-ft kinkless, spring-mounted, staked chains were used, as were drags on 3-6 ft lengths of chain.

All our field tests conducted to date employed staked traps. With the exception of two tests using modified Victor No. 3 double-coil spring traps (padded and unpadded offset stamped jaws), all tests involved either Victor 3N-M (offset malleable jaws) or the Victor 3N-R (offset stamped jaws) long spring traps.

Recent work included data analyses and manuscript preparation for trap pan tension device research and the continued collection of data on coyote foot injury sustained in padded and unpadded leghold traps. In addition, information was provided to the FWS Director on trap research activities, a summary of trap research was presented at the annual meeting of the National Trappers Association, and similar information was included in a paper on nonlethal coyote management techniques for the First Eastern Wildlife Damage Control Conference. A summary of recent trap research and staff activities is as follows:

TRAP PAN TENSION DEVICES

Recent activities involved analyses of field data obtained in 1980 and 1981, and preparation and extensive revision of a manuscript submitted to the Journal of Wildlife Management in September 1983. The abstract from this manuscript is reproduced below.

> "EFFECTIVENESS AND SELECTIVITY OF PAN TENSION DEVICES FOR COYOTE TRAPS
>
> FRANK J. TURKOWSKI, U.S. Fish and Wildlife Service, Denver Wildlife Research Center, Denver, CO 80225; ALAN R. ARMISTEAD, U.S. Fish and Wildlife Service, Animal Damage Control Program, 10304 Candelaria, NW, Albuquerque, NM 87112; SAMUEL B. LINHART, U.S. Fish and Wildlife Service, Denver Wildlife Research Center, Denver, CO 80225
>
> Abstract: Data were collected on coyote (Canis latrans) captures and nontarget animals that stepped on unmodified and pan tension device-equipped (shear-pin, curved leaf spring, steel tape) traps and were excluded. The device-equipped 3-N Victor steel leghold

traps were about 3 times more effective than unmodified traps for excluding kit (Vulpes macrotis), swift (V. velox), and gray (Urocyon cinereoargenteus) foxes, opossums (Didelphis marsupialis), and jackrabbits (Lepus californicus). Coyote capture rates in initial field tests were lower for device-equipped traps than unmodified traps when set in wet clay or alkali soils. Shear-pin and leaf spring devices were then modified and zinc plated to reduce rusting caused by moisture and to improve trap performance. Coyote capture rates (%) in subsequent field tests with the improved devices in wet areas with clay or alkali soils were 87, 92, 84, and 98 for shear-pin, leaf spring, steel tape, and unmodified traps, respectively. Exclusion rates (percent of animals that stepped on pans and were excluded) for all designated nontarget animals for the wet soil test were 92, 100, 95, and 6 for shear-pin, leaf spring, steel tape, and unmodified traps, respectively. The improved devices functioned adequately for use in coyote depredations control trapping activities."

PADDED JAW TRAPS

To date, a total of 17 field tests of unpadded and padded traps have been completed. With one exception (Idaho), all tests were conducted in Texas under moderate temperatures and generally dry conditions. In no instance have padded traps been evaluated in either extremely wet and muddy conditions or in cold environments. A total of 214 coyotes have been taken, with samples of 20-21 coyotes per test when the padded traps under evaluation appeared to show some promise for reducing foot damage without hindering efficacy. When test pads were obviously ineffective, tests were stopped after a sample of 5 coyotes was obtained. All tests were conducted in areas where coyotes were numerous and all traps were set in locations so as to maximize the possibility for capturing this animal. Too few numbers of other species were taken during any one test to permit assessment of foot damage (or lack thereof) to such carnivores as raccoon, skunk, bobcat, badger, or fox.

All coyotes were left in traps approximately 48 hours; i.e., traps were checked daily and when a coyote was captured it was left in the trap until the following day when it was killed, the leg in the trap removed to be later stored in a freezer, and the extent of foot damage noted All feet were subsequently examined in the laboratory and the extent of damage was reassessed. The damage category [none; swollen foot; slight, moderate or severe cut(s); broken bone(s)], was then changed if required. Captured coyotes that for some reason were dead at the time traps were checked (e.g., shot by ranch hand, etc.), were excluded from all samples. Criteria for assessing injury are detailed in Appendix 1.

Many of the earlier tests conducted were with pads affixed to Victor 3N-M traps (long springs with offset malleable jaws) as this is the trap in common use by FWS-supervised field personnel. Prototype pads obtained from three of four commercial sources (M-Y Enterprises, Rancher Supply, Trim-Lok, Inc.) were all affixed by various means to this type trap. However, the fourth supplier, Woodstream Corporation, used a molded pad that fitted stamped jaws only. At a meeting in early 1983 with ADC supervisory staff, it was decided that more emphasis should be placed on testing traps with stamped and padded jaws since these traps are less expensive than those with malleable jaws, and the major reason for the FWS use of the latter was to reduce foot damage. Accordingly, M-Y Enterprises[1] was asked to install their No. 1 pad on standard Victor 3N-R traps. The Woodstream Corporation was also asked to supply the DWRC with their most recently developed pad on a similar trap. Additionally, reference data on coyote foot injury sustained in standard 3N-R traps without pads was collected, and additional coyotes were trapped to complete three other tests initiated the previous year.

Results of all field tests conducted so far are shown in Table 1 and Figure 1. Little or no foot damage for coyotes taken in unpadded Victor 3N-M and Victor 3N-R was 10 percent and 5 percent, respectively. A test of unpadded prototype Victor No. 3 double-coil spring traps resulted in 10 percent of the trapped coyotes being assigned to the little or no damage category.

Both Trim-Lok pad tests were discontinued when it was found that the pads (a commercial, flexible, neoprene-covered metal channel material) were torn from the trap jaws by captured coyotes. The McBride pads (Ranchers Supply), a molded type affixed to jaws by twisting wires that were embedded in the pads, were also torn partially or completely off the jaws and testing of this prototype was also terminated.

The M-Y pad No. 1 on Victor 3N-M produced good results with 80 percent of coyotes sustaining little or no foot damage. The M-Y No. 2 was somewhat less effective with the "little or no damage" category at the 60 percent level. The M-Y No. 3 was discarded as the hollow-core neoprene pads rolled as coyotes struggled and 5 of 18 coyotes pulled out, as did 3 skunks and 1 rabbit. When placed on Victor 3N-R traps (stamped offset jaws), the M-Y No. 1 pad was apparently less effective as nearly 60 percent of 20 coyotes fell in the "little or no damage" category.

The Woodstream pad No. 2, when used on a prototype Victor 3N-R, resulted in 70 percent of the captured coyotes being assigned to the little or no damage category. However, a subsequent test using a similar trap but with a more advanced type pad (No. 3 pad) was discontinued because only 4 of 11 coyotes that sprung the trap were captured. We believed that friction between the lower portion of the jaw as it passed through the hole in the spring resulted in slower trap closure. Trap modification should permit reevaluation and attainment of better results with this trap. The best results achieved so far were with Woodstream's padded Victor No. 3 double coilspring trap in which 85 percent of the coyotes were placed in the "little or no damage" category.

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[1] Pads supplied under contract to the FWS by M-Y Enterprises were prototypes intended for limited evaluation; this engineering design company has no plans to commercially produce or sell pads or padded traps.

The results summarized above, it should be emphasized, are preliminary and are not intended for publication until the data have been further analyzed and statistical comparisons made to determine differences among unpadded and padded traps and among different types of traps and prototype pads. Furthermore, controlled testing of the most promising traps and pads are needed under extremes of moisture, heat, and cold to determine if results vary significantly. The extent to which the DWRC will evaluate the effects of unpadded and padded coyote traps on nontarget species has not yet been determined. DWRC research on capture devices and techniques will continue commensurate with Service objectives and needs, and at levels permitted by funding received for this research.

Samuel B. Linhart
Gary J. Dasch
Frank J. Turkowski

Appendix 1. Methods for categorizing coyote foot damage as defined for DWRC studies.

Coyotes are normally trapped by one front foot and the jaws of the trap usually close across the paw. The paw frequently becomes swollen as a result of impaired circulation. Cuts commonly occur across the top of the paw and are inflicted as a result of struggles to escape. The severity of cuts will vary as to number, length, width, and depth. Assignment of such cuts into definitive categories such as slight, moderate, or severe is therefore difficult as they may range from a single very small abrasion or cut 1 or 2 cm in length that does not extend through the skin, to a single large, deep cut up to 3 cm extending across the entire upper surface of the paw exposing underlying tendons and bones, to several smaller linear cuts across the width of the paw. One or more of the latter may be sufficiently severe as to expose the bone or tendon. One or more bones within the paw may also be broken and can generally be detected by carefully flexing and feeling of the paw. When initial attempts to categorize differing degrees of foot damage proved frustrating, we simplified our procedure by using the following classifications to characterize injury.

Slight or no Damage

a. No damage

b. Swollen foot

Appendix 1. (cont.).

c. A small (<0.5 cm), shallow puncture hole or cut through the skin and underlying tissue or fascia. If visible, no damage to tendon(s) or bone(s).

d. Cuts or skin abrasions larger than 0.5 cm but not extending through the skin, underlying tissue or fascia.

Moderate or Severe Damage

a. A large (>0.5 cm), deep cut through skin and underlying tissue or fascia. Tendon(s) and bone(s) exposed.

b. A series of two or more smaller (<0.5 cm) but deep cuts across the paw exposing tendon(s) or bone(s).

c. Cut tendons

d. Broken bones

e. Any coyotes found dead in traps due to an apparent overdose of CNS depressant.

Coyotes that sustained slight or no visible foot damage were assigned to an "acceptable" injury category; those with moderate or severe foot damage, broken bones, or that died from overdoses, were categorized as "unacceptably" injured.

TABLE 1

SUMMARY OF PADDED JAW STEEL TRAP FIELD TESTS

		% of coyotes with little/no foot damage				
		Jaws unpadded		Jaws padded		
Trap Type	Description	Percent		Pad type	Percent	
Victor 3N-M	Offset malleable jaws long spring	10	[20]	M-Y #1	80	[20][a]
				M-Y #2	60	[20]
				M-Y #3	62	[13][b]
				McBride #1	60	[5]
				Trim-Lok #1	0	[5]
				Trim-Lok #2	0	[5]
Victor 3N-R	Offset stamped jaws long spring	5	[21]	Woodstream #2	70	[20]
				Woodstream #3	--	[4][c]
				M-Y #1	60	[20]
Victor No. 3	Offset stamped jaws double coil spring	10	[21]	Woodstream #1	85	[20][d]
spring						

[a] 1 toe-caught coyote pulled out

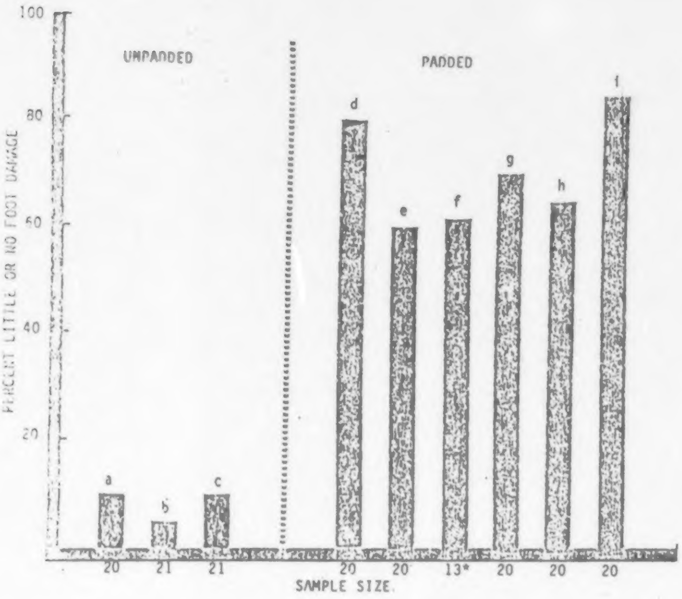
[b] 5 coyotes, 3 skunks and 1 rabbit pulled out

[c] 11 coyotes sprung this trap but only 4 were captured. This trap had a 3-ft center-mounted chain

[d] Prototype trap, not a commercial model; 1-ft center-mounted chain

NOTE: Number in brackets [ ] is number of coyotes taken per test

FIGURE 1. Percent of coyotes having little or no foot damage after capture in unpadded and padded steel leghold traps: 1980 - 1983



a. Victor 3N-M, offset, malleable jaws, long spring, no pads

b. Victor 3N-R, offset, stamped jaws, long spring, no pads

c. Victor No. 3, offset, stamped jaws, double coil spring, no pads

d. Victor 3N-M, offset, malleable jaws, long spring, M-Y No. 1 pads

e. Same trap as d., M-Y No. 2 pads

f. Same trap as d., M-Y No. 3 pads

g. Victor 3N-R, offset, stamped jaws, long spring, Woodstream No. 2 pads

h. Same as g., M-Y No. 1 pads

i. Victor No. 3, offset, stamped, double coil spring, Woodstream No. 1 pads

* 5 additional coyotes, 3 skunks, and 1 rabbit pulled out of trap

Following radiographic examination, the legs were skinned and dissected. Traumatic injuries to the leg were given leg damage scores as follows:

1.	Apparently normal	0 points
2.	Edematous swelling and hemorrhage	5 points
3.	Cutaneous laceration <2cm	5 points
4.	Cutaneous laceration >2cm	10 points
5.	Tendon or ligament laceration	20 points
6.	Joint subluxation	30 points
7.	Joint luxation.	50 points
8.	Simple fracture below carpus or tarsus	50 points
9.	Compound fracture below carpus or tarsus.	75 points
10.	Simple fracture above carpus or tarsus.	100 points
11.	Compound fracture above carpus or tarsus.	200 points
12.	Amputation of the leg	400 points

Leg damage points were cumulative, and many animals were scored for more than one type damage. Persons conducting the necropsy studies were not informed as to trap type until the scores were finalized. These scores were used for statistical purposes to compare the damage caused by the two types of traps.

Personal Communication, Dr. Victor Nettles, January, 1984.

	C (CONTROL)	P (PADDED JAW)	S (STEEL JAW)	
	5	35	65	
	0	40	160	
	5	105	65	
	5	75	65	
	0	40	110	
	5	5	180	
	5	30	110	
	0	65	110	
	0	5	55	
	0	80	140	
	0	40	160	
	5	85	110	
	5	55	35	
	0	10	160	
	10	55	80	
	5	15	95	
	0	15	55	
	0	30	60	
	10	10	140	
	0	5	110	
			60	
$\sum x_{ij}$	60	800	2125	2985=X..
$\sum x_{ij}^2$	400	49,100	251,475	300,975
$(x_{i.})^2/n$	180	32,000	215029.76	247,209.76
$\sum x_{ij}'^2$	220	17,100	26,445.24	53,765.24
$\bar{x}_{i.}$	3	40	101.19	48.93

COYOTES TAKEN IN PADDED JAW (VICTOR 3N-R) TRAPS

LEG NUMBER		1. APPARENTLY NORMAL 0 POINTS	2. EDEMA & HEMORRHAGE 5 POINTS	3. LACERATION < 2 CM 5 POINTS	4. LACERATION > 2 CM 10 POINTS	5. TENDON OR LIGAMENT LACERATION 20 POINTS	6. JOINT SUBLUXATION 30 POINTS	7. JOINT LUXATION 50 POINTS	8. SIMPLE FRACTURE BELOW CARPUS 30 POINTS	9. COMPOUND FRACTURE BELOW CARPUS 75 POINTS	10. SIMPLE FRACTURE ABOVE CARPUS 100 POINTS	11. COMPOUND FRACTURE ABOVE CARPUS 200 POINTS	12. AMPUTATION OF LEG 400 POINTS	13. COMPRESSION FRACTURE (30 POINTS UNDER #8)	MANGE	TOTAL	NOTES
1	L		5				30									35	
3	R		5	5			30								*	40	
4	R		5								100					105	
6	L		5			20		50								75	
7	R		5	5			30									40	
9	R		5													5	
10	L		5	5		20										30	
12	L		5		10	20			30				*			65	
13	L		5													5	
15	R		5	5		20		50								80	
16	R		5	5			30									40	
18	R		5		10	20		50								85	
19	L		5						50						*	55	
21	R		5	5												10	
22	R		5					50								55	
24	L		5		10											15	
25	R		5		10											15	

COYOTES TAKEN IN PADDED JAW (VICTOR 3N-R) TRAPS

LEG NUMBER		1. APPARENTLY NORMAL 0 POINTS	2. EDEMA & HEMORRHAGE 5 POINTS	3. LACERATION < 2 CM 5 POINTS	4. LACERATION > 2 CM 10 POINTS	5. TENDON OR LIGAMENT LACERATION 20 POINTS	6. JOINT SUBLUXATION 30 POINTS	7. JOINT LUXATION 50 POINTS	8. SIMPLE FRACTURE BELOW CARPUS 50 POINTS	9. COMPOUND FRACTURE BELOW CARPUS 75 POINTS	10. SIMPLE FRACTURE ABOVE CARPUS 100 POINTS	11. COMPOUND FRACTURE ABOVE CARPUS 200 POINTS	12. AMPUTATION OF LEG 400 POINTS	13. COMPRESSION FRACTURE (30 POINTS UNDER #8)	MANGE	TOTAL	NOTES
27	L		5	5		20										30	
28	L		5	5												10	
30	L		5													5	

COYOTES TAKEN IN UNPADDED JAW (VICTOR 3N-E) TRAPS

LEG NUMBER		APPARENTLY NORMAL 0 POINTS 1.	EDEMA & HEMORRHAGE 5 POINTS 2.	LACERATION < 2 CM 5 POINTS 3.	LACERATION > 2 CM 10 POINTS 4.	TENDON OR LIGAMENT LACERATION 20 POINTS 5.	JOINT SUBLUXATION 30 POINTS 6.	JOINT LUXATION 50 POINTS 7.	SIMPLE FRACTURE BELOW CARPUS 30 POINTS 8.	COMPOUND FRACTURE BELOW CARPUS 75 POINTS 9.	SIMPLE FRACTURE ABOVE CARPUS 100 POINTS 10.	COMPOUND FRACTURE ABOVE CARPUS 200 POINTS 11.	AMPUTATION OF LEG 400 POINTS 12.	COMPRESSION FRACTURE (30 POINTS UNDER #8) 13.	MANGE	TOTAL	NOTES
31	L		5		10	20			30					*		65	
32	R		5		10	20		50		75						160	
34	R		5		10	20			30					*		65	
35	R		5		10	20			30					*	*	65	
37	R		5		10	20				75				*	*	110	
38	L		5	5		20		50			100				*	18	
40	R		5		10	20				75				*		110	
41	R		5		10	20				75						110	
43	L		5					50								55	
44			5		10	20	30			75						140	
46	L		5		10	20		50		75						160	
47	L		5		10	20				75						110	
49	L		5		10	20										35	
50	R		5		10	20		50		75						160	
52	R		5	5		20		50							*	80	
53	L		5		10	20	30		30					*		95	

COYOTES TAKEN IN UNPADDED JAW (VICTOR 3N-R) TRAPS

LEG NUMBER		1. APPARENTLY NORMAL 0 POINTS	2. EDEMA & HEMORRHAGE 5 POINTS	3. LACERATION < 2 CM 5 POINTS	4. LACERATION > 2 CM 10 POINTS	5. TENDON OR LIGAMENT LACERATION 20 POINTS	6. JOINT SUBLUXATION 30 POINTS	7. JOINT LUXATION 50 POINTS	8. SIMPLE FRACTURE BELOW CARPUS 50 POINTS	9. COMPOUND FRACTURE BELOW CARPUS 75 POINTS	10. SIMPLE FRACTURE ABOVE CARPUS 100 POINTS	11. COMPOUND FRACTURE ABOVE CARPUS 200 POINTS	12. AMPUTATION OF LEG 400 POINTS	13. COMPRESSION FRACTURE (30 POINTS UNDER #8)	MANGE	TOTAL	NOTES
55	L		5		10	20			30					*	*	65	
56	L		5	5		20			30					*		60	
58	L		5		10	20	30			75						140	
59	R		5		10	20				75					*	110	
61	R		5	5		20			30					*		60	

FINAL REPORT

6/30/84

"DEVELOPMENT, MODIFICATION AND IMPROVEMENT OF ELECTRONIC AND MECHANICAL PREDITOR CONTROL DEVICES"

By M-Y Enterprises
220 Lincoln Street
Homer City, Pa. 15748

FINAL REPORT: Contract 14-16-0009-82-025

Development, Modification and Improvement of Electronic and Mechanical Predator Control Devices

OVERVIEW: The following is an outline of the work done under the above contract for Denver U. S. Fish and Wildlife Research Center (DWRC) by M-Y Enterprises.

I ELECTRONIC PREDATOR CALLING DEVICES — Attempts were made to purchase or design a low cost electronic predator caller.

- A. Purchased Units — Only one commercial source that manufactured predator callers could be located. M-Y Enterprises contacted this source.
  - 1. A device was purchased from Outdoor Electronics of Virginia. Both M-Y Enterprises and DWRC were not satisfied with this unit.
- B. Custom Design Units — Since no other marketable device was found, an effort was made to custom design a prototype.
  - 1. M-Y Enterprises sub-contracted work to others for design ideas.
    - a. Richard Daskivich, Richard Bush and Stewart Dalton gave electrronic input. Without being in a position to adequately reimburse these consultants for their work, interest declined.
  - 2. To date, no suitable electronic caller has been developed. However, M-Y Enterprises' consultants have confidence that a successful unit can be produced.
- C. Objective — This project will be given attention as time permits and funds become available. DWRC will be kept informed of any new concepts.

II FREIGHTENING DEVICES — Research, design and recommendations were provided to DWRC.

- A. M-Y Enterprises provided a leakproof technique of siren to ammo box installation. (Reference report dated 6/30/83)
- B. M-Y Enterprises was unable to provide a suitable and less expensive electronic timer for the freightening device than what DWRC had available.

III MODIFICATION OF TRAPS — This work consisted of equipping traps supplied by DWRC with M-Y Enterprises' rubber pads.

- A. M-Y Enterprises furnished both - traps with modifications and padded jaw kits to DWRC for field evaluation.

IV PURCHASED PADDED JAW TRAPS — M-Y Enterprises purchased and arranged the delivery of a commercial brand of padded jaw traps to DWRC for test.

FINAL REPORT: SHEET 1

Expenses:

Jan. 1, 1984 thru	6 dozen traps supplied to Sam Linhart U.S. Fish and Wildlife Service Denver Research Center	$ 450.00
June 30, 1984	Supplies	$ 5.00
	Phone Calls	$ 6.00
	Report	$ 10.00
	Salary	$ 100.00
	Total ———	$ 571.00

I certify that all payments requested are for appropiate purposes and in accordance with agreements set forth in the Award/Contract...#14-16-0009-82-025

Ed Medvetz

Ed Medvetz

Date: June 30, 1984

PROGRESS REPORT
6/30/83

"DEVELOPMENT, MODIFICATION AND IMPROVEMENT OF ELECTRONIC AND MECHANICAL PREDITOR CONTROL DEVICES"

By M-Y Enterprises
220 Lincoln Street
Homer City, Pa. 15748

Progress Report: Contract 14-16-0009-82-025

Development, Modification and Improvement
of Electronic and Mechanical Preditor
Control Devices

Overview: Progress results are reflected in four areas
I. Modify ammo boxes for inside siren mounting
II. Modify No. 3 DLS stamped jaw traps with rubber pads
III. Supply M-Y No. 1 rubber pads
IV. Development work for electronic timer and caller

I. SUBJECT: Modify ammo boxes for inside siren mounting

OBJECTIVE

Design a leakproof technique to modify ammo boxes for internal installation of a freighting siren.

SUMMARY

There were two prototype units furnished to the U.S. Fish & Wildlife Service for examination and/or test. On prototype one(1), shipped on 1/11/83, a 4 5/8" diameter hole was cut out of the side of the ammo box and four equally spaced mounting holes were punched out around the cut-out hole. A rubber o-ring material, 1/8" diameter, was cemented to the inner edge of the siren sub-assembly. Using four custom made metal hold-down clamps, the siren sub-assembly was secured to the ammo box with self tapping screws The four clamps provided pressure to compress the o-ring to seal the siren against the box.

Upon testing by U.S. Fish & Wildlife Service personnel, it was reported that leakage occurred around the cut-out hole. It was discovered that leakage occurred because the ammo box had an uneven surface causing inconsistent o-ring compression. This allowed water to enter.

On prototype two(2), shipped on 2/19/83, revisions were made to contend with the uneveness of the ammo box surface. There were two methods evaluated. Method two was more feasible.

1. The 1/8" o-ring material was replaced with 1/4" o-ring material. This method was successful but there were disadvantages. The thicker o-ring was harder to compress and the siren projected further out of the ammo box. In addition the o-ring had to be cemented for assembly which involves problems in disassembly. Higher cost was another factor.
2. Channel rubber fitted around the cut-out hole eliminated using an o-ring. The u-shaped feature of channel rubber facilitates installation.

U.S. Fish & Wildlife Service, upon receival of prototype two(2), forwarded 12 additional ammo boxes for the same modifications. These units were shipped on 3/9/83.

II. SUBJECT: Modify No. 3 DLS stamped jaw traps with rubber pads

OBJECTIVE
Modify U.S. Fish & Wildlife Service's No. 3 DLS stamped jaw traps to incorporate M-Y No. 1 rubber pads.

SUMMARY
There were 36 traps modified by putting six tapped holes into the jaws. M-Y No. 1 rubber pads were attached with stainless steel screws(#6-32). A formed metal retaining strip is used in this assembly. These traps were shipped on 2/7/83. (M-Y No. 1 rubber pads were previously tested on the No. 3N traps)

III. SUBJECT: Supply M-Y No. 1 rubber pads

SUMMARY
On 1/19/83, Thirty(30) M-Y No. 1 design rubber pads were shipped to Lamar Windberg in Laredo Texas. On 1/21/83, forty(40) M-Y No. 1 design rubber pads were shipped to U.S. Fish & Wildlife Service % Mr. Sam Linhart.

IV. SUBJECT: Development work for electronic timer and caller

OBJECTIVE
Develop a low cost effective timer and caller per U.S. Fish & Wildlife Service specifications.

SUMMARY
The services of Outdoor Electronics of VA was requested to provide a electronic timer and preditor call(prototypes) for U.S. Fish & Wildlife Service reviewal. Their models were shipped directly to Denver for evaluation. The cost for the above service isshown on invoice sheet 1.

Progress towards submitting an electronic timer prototype is encouraging. A recent contact has shown some promising concepts one of which is in the development stage. The emphasis on the proposed prototypes is maintaining a low cost package. Low price electronic components have been found. Final assembly will be small in comparison to present models. Within a few months a prototype will materialize for evaluation.

The electronic call prototype will follow the development of the timer.

M-Y Enterprises
220 Lincoln Street
Homer City, Pa. 15748

Ed Medvetz

DWRC 82-19

Chief, Division of Wildlife Ecology Research
FWS, Washington, D.C. (WER)

9 April 1982

Director, Denver Wildlife Research Center
Denver, Colorado

Proposed contract -- M-Y Enterprises .

I request approval to contract with M-Y Enterprises the work described in the attached Memorandum of Need entitled "Development, modification, and improvement of electronic and mechanical predator control devices." Also enclosed is budget information submitted by M-Y Enterprises and the approval form.

Originally signed by
Clyde Jones

SURNAME STAMP
ORIGINATOR
DIRECTOR
ASSISTANT DIRECTOR
ADMINISTRATIVE OFFICER 4/9/2
[illegible]
[illegible] PROGRAMS
[illegible]
[illegible]
[illegible]
[illegible]
TECHNICAL SERVICES
SUPPORTING SCIENCES
WILDLIFE ECOLOGY

Hunter 8 Apr 82

cc: Linhart
Fall
Fiscal Office

FWS NO.______________

REQUEST FOR APPROVAL TO CONTRACT FOR CONSULTING SERVICES, MANAGEMENT AND PROFESSIONAL SERVICES, AND SPECIAL STUDIES AND ANALYSES

1. Bureau/Office USFWS, Denver Wildlife Research Center

2. Contracting Office Div. of Contracting and General Services, Washington, D.C.
(Organizational Level, City and State)

3. For additional information call Sam Linhart, FTS 234-2126
(Name) (Telephone Number)

4. Description and nature of the work To develop, modify and improve electronic and mechanical predator control devices.

5. Consequences if disapproved in terms of impact to bureau program/mission, and cost to the Government Reduced efficacy and selectivity of ADC Program control devices and lower cost benefit.

6. Estimated Cost $ 4,000

7. Relationship to existing or previous procurements
No prior contracts

8. Sole Source ☒ Competitive ☐ (If sole source, attach a justification of non-competitive procurement)

9. Concur ☐ ____________________
Program Manager Date

10. APPROVED ☐ ____________________
Bureau Director Date

DISAPPROVED ☐ ____________________
Assistant Secretary Date

MEMORANDUM OF NEED

Title: Development, modification, and improvement of electronic and mechanical predator control devices

I. Description of the Work to be Performed

A. Purpose and Description of Work

The Animal Damage Control Program of the U.S. Fish and Wildlife Service is responsible for controlling predator depredations in the western United States. A variety of tools and techniques, relatively unchanged in recent years, are used to carry out these responsibilities. Improvement, modification and evaluation of existing and new control techniques and devices are the responsibility of the Service's Denver Wildlife Research Center (DWRC).

Electronic frightening devices, chemical and electronic attractants, steel traps, and M-44s are a few examples of the control techniques that are either used operationally, are being studied by DWRC, or need further development or modification to increase efficacy and selectivity.

1 Objectives

a. Design new devices or modify existing equipment of the following types: predator sound attractants, padded jaw traps, and electronic frightening devices, Other coyote control tools may be designed or modified if mutually agreed to by the contractor and DWRC.
b. Fabricate and provide one or more prototypes of the above devices for field evaluation by DWRC.

2. Approach

Under the terms of this contract, M-Y Enterprises will provide electronic and mechanical engineering expertise and design and fabricate the following types of devices suitable for field evaluation by DWRC.

a. Electronic predator sound attractants. These units will be portable and battery-operated, will emit simulated prey distress vocalizations and will be placed in the field to attract coyotes to nearby traps, M-44s, or placed baits. These devices should be:

(1) Self-contained and weatherproof.
(2) Small enough to be easily transported and camouflaged.
(3) Able to withstand rough usage in the field.

b. Padded jaw traps. Increased anti-steel trap legislation has resulted in a need for modifiying steel leghold traps to reduce foot injury of captured animals. Important guidelines for designing and fabricating padded jaw traps include:

(1) Low cost in relation to cost of traps.
(2) Easy replacement of pads in the field.
(3) Significant reduction in coyote foot damage compared to unmodified traps.
-(4) modifications should not decrease trap efficacy.

c. Sheep-mounted frightening devices. Initial field tests by DWRC have indicated that under certain management conditions, electronic frightening devices (light and sound) effectively deter coyote predation on sheep. A potential approach that should be evaluated is that of mounting such devices on a few adult sheep within a flock or band. The following criteria should be used to develop prototypes for field evaluation:

(1) Light weight and easily mounted on sheep.
(2) Low cost in relation to the value of sheep protected.
(3) Reliable under field conditions.
(4) Self-contained, with at least a 3-week battery life.

3. Extent

Progress and evaluation will be assessed by correspondence, telephone calls or meetings, the latter cost to be borne by DWRC.

4. Products

One or more prototypes, as mutually agreed upon, will be provided for field testing by DWRC.

B. Relation of Work to be Performed to Service Programs

The development and improvement of electronic attractants, frightening devices, and padded jaw traps will result in more effective and humane methods of coyote control by the Service's Animal Damage Control Program.

C. Prior, Present and Future Related Work

Previous research by DWRC has indicated an excellent potential for increasing the efficacy of traps, M-44's and placed baits by use of sonic attractant devices in conjunction with these control tools. Cooperative studies with private industry have shown that foot damage of captured animals can be significantly reduced by using padded jaw traps. However, low cost, durable pads that can be easily applied have not been developed. Efficacy of coyote frightening devices has been demonstrated but sheep-mounted units have not as yet been designed or fabricated. Future work on these projects will be conducted by means of this contract, inhouse studies, and further contacts with private industry.

D. Government Inhouse Capability

Reduced allotments and resources, and limited manpower, in combination with other priorities and commitments, preclude inhouse work on this research. In addition, DWRC has no professional expertise which combines mechanical engineering with detailed knowledge of predator ecology and behavior.

E. Project Officer

Samuel B. Linhart, Project Leader, Depredations Control Research, Denver Wildlife Research Center, Building 16, Denver Federal Center, Denver, CO 80225

F. Plan for Technical Monitoring

Technical monitoring will be accomplished by correspondence, telephone calls and meetings as needed to discuss progress and technical decisions.

G. Performance Milestone

Time after contract acceptance: Six-month progress reports and a final completion report will be prepared by the contractor not later than one year after award of contract. Estimated period of performance is 1 June 1982 to 1 June 1983.

H. Total Estimated Costs

The total cost is $4,000.00. Travel costs for Project Officer and Uvalde, Texas, field station leader are estimatnd at $1,000.00.

II. Funding

A. Approved Funding for Current Fiscal Year.

$4,000 is budgeted in FY-82 to contract for design and fabrication of predator control devices. The funding source is the U.S. Fish and Wildlife Service allotment 86860-1230-932.

B. Funding by Fiscal Year

FY-82 $4,000.00

C. Funding of Follow-on Procurements - unknown at this time

D. Contingencies or Reserves - none

E. Advance Payments - none

III. Sources

A. Known Sources and Competitive Situations

M-Y Enterprises is the only organization known to have expertise in electronic and mechanical engineering design and field expertise of predator trapping technology.

B. Sources to be Solicited - none, other than M-Y Enterprises.

C. Synopsis

The Denver Wildlife Research Center is responsible for research on and development of predator control techniques and devices. There is an increasing need to improve the efficacy, selectivity and cost effectiveness of various ADC control tools. Such development will be enhanced by contracting certain aspects of this work with M-Y Enterprises, inasmuch as capabilities for such work do not exist within DWRC or other Service facilities.

D. Justification for Non-Competitive Procurement

M-Y Enterprises has successfully developed several innovations presently used by government and private trappers and is the only known source with sufficient expertise in predator ecology and behavior, trapping technology and mechanical and electronic engineering to accomplish this work.

IV. Method of Evaluation

A. Recommended Method (by degree of importance)

1. Direct assessment under field conditions by DWRC
2. Evaluation in pen facilities using captive coyotes

B. Special Problems - none

C. Source Evaluation Board - N/A

D. Unsolicited Proposal Evaluation - N/A.

V. Government Property

A. Facilities - none

B. Other Government Furnished Property

The DWRC shall supply the following equipment to M-Y Enterprises for the duration of the contract:

1. Steel traps.
2. Electronic timers and test equipment.

VI. Management Information System

Job completion will require the delivery of prototypes for field evaluation.

VII. Technical Data for Procurement - N/A

VIII. Other Pertinent Data - none

IX. Procurement Action Schedule - N/A

WORK WITH IAFWA - ATTACHMENT 3

International Association of Fish and Wildlife Agencies

1412 16th STREET, N.W. WASHINGTON, D.C. 20036 (202)[illegible]-1652

Jack H. Berryman, Executive Vice President

September 18, 1981

To: Fur Resources Committee

From: Duane Pursley, Chairman

Subject: Annual Report

Our approved (9/16/81 IAFWA business meeting) report is enclosed. Even though budget restrictions prevented many of the Committee's members from attending, we had a well-attended and extremely productive meeting.

I will solicit further information and comments from throughout North America on the Federal-Provincial Committee for Humane Trapping's (FPCHT) final report. I'll send this information to you and request your input for the development of our official critique-statement on the FPCHT's efforts and conclusions.

Among others, Gary Parsons and I will be meeting with USFWS officials to review all comments on section 14 of the Endangered Species Act. This section includes the legal foundation of the controversial regulations on export/import requirements. Gary and I will summarize the recommendations of our committee for the upcoming review by the USFWS.

I will keep you posted on the progress of the CITES Appendix II delisting proposals as well as the section 14 review of the Endangered Species Act.

ndb/

Report of the IAFWA's Fur Resources Committee

September 16, Albuquerque, New Mexico

The Fur Resources Committee has enjoyed a very productive and rewarding year. The Committee is extremely encouraged by the new, needed and desirable relationships that are developing between the state and federal wildlife agencies. The U.S. Fish and Wildlife Service is working cooperatively with this Committee to resolve all of the problems associated with federal controls over state furbearer management and research programs. The Fur Resources Committee will monitor and assist where appropriate in the development of proposals to change the status of furbearing species under Appendix II of CITES, and under section 14 of the Endangered Species Act.

Our Worldwide Furbearer Conference proceedings are completed and available. The 3-volume set of books contains 114 papers on furbearer research and management subjects. These texts will be an invaluable reference source for years to come.

Our research publication (North American Furbearer Research Conducted in 1979/80) has been available for several months. While some of the research projects in this report have been concluded, the Committee believes that this report is a valuable cataloguing of on-going and as yet unpublished research.

Our proceedings publication effort precluded the opportunity to complete the development of:

1) our 1978-79 and 1979-80 North American Furbearer Harvest Charts
2) the 50 state report on trapping
3) our updated and expanded version of the North American Furbearers book

This Committee's leading assignment for the past year was to inform the association on the status of more humane traps and trapping methods such as those under study in Canada.

For the past two days the Fur Resources Committee has conducted extensive discussions on and reviews of several "new" innovations in trapping methodologies such as tranquilizer tabs, pan tension devices, off-set jaws, padded-jaw traps and footsnares, as well as the final report of the Federal Provincial Committee for Humane Trapping.

Pursuant to its charge the Fur Resources Committee proffers the following policy statement on current trapping methodologies.

The Fur Resources Committee, has in the past and continues to recommend the development and scientific research of new capture techniques for furbearers which increase efficiency, selectivity and reduce the frequency and degree of injury. After adequate evaluation, the use of new techniques should be encouraged through a program of public communication and education.

Since the Federal Provincial Committee for Humane Trapping (FPCHT) report was not available to all members of the Fur Resources Committee in time for a detailed review, our Committee has only had an opportunity to conduct a preliminary evaluation of the FPCHT findings and recommendations. Pursuant to this initial review, the Committee offers the following comments and opinions about the report:

1) The FPCHT made initial progress in defining and evaluating traps and trapping systems; but,

2) The Fur Resources Committee takes exception to the initial assumption of the FPCHT that indicates that only kill-type traps would meet humane trapping criteria under all conditions. It is an established fact that kill-type traps are not applicable to all trapping situations;

3) As the FPCHT report indicates, adequate field testing and evaluation of the kill-type traps was not completed before the issuance of the final report;

4. Based on the evidence presented in the report, it appears the FPCHT recommendations of specific trapping devices are premature.

A final statement on the FPCHT report will be prepared by the Fur Resources Committee following a more extensive analysis and receipt of comments from member agencies of this association. The Fur Resources Committee, has and continues to agree with the FPCHT's recommendation that trapper training is an extremely important facet of trapping programs.

Status of Trap Research

The state of the art of trap and furbearer harvest system evaluation and research is developing rapidly. There is a need to proceed rigorously in evaluation, but cautiously in implementation of new systems.

Trapping system evaluations and research should include, but not be limited to, a scientifically and statistically designed methodology followed by subsequent field evaluation under a variety of environmental, political, sociological and economic conditions that exist domestically, as well as internationally.

The Fur Resources Committee believes that top priority trap research needs are scientific evaluation of:

1) trap design
2) experimental padded jaw traps
3) foot snares

The Fur Resources Committee recommends that new trap systems which after adequate testing prove to be efficient, selective, economically feasible and reduce frequency and degree of injury should be encouraged through public communication and education. However, the Fur Resources Committee further recommends that traps currently in general use should not be curtailed simply because a new device or modification appears to duplicate the performance of existing devices.

DISTRIBUTION

✓2-Linhart
1-Section Office
1-Section field stations (circulation)
1-Frank Turkowski, Uvalde, Texas
1-Ki Faulkner, ADC, Washington, D.C.
1-Jeff Horwath, ADC, Washington, D.C.
1-ADC Staff Specialist, Region 2
1-Texas ADC State Supervisor
1-ADC District Supervisor, Lubbock, Texas
1-M-Y Enterprises
1-Woodstream Corporation, ATTN: Dale Haney

United States Department of the Interior
FISH AND WILDLIFE SERVICE
DENVER WILDLIFE RESEARCH CENTER
BUILDING 16, DENVER FEDERAL CENTER
DENVER, COLORADO 80225

23 November 1981

Mr. Charles E. Fullerton, Director
California Fish and Game Department
1416 Ninth Street
Sacramento, CA 95814

Dear Mr. Fullerton:

Mr. Duane Pursley, Chairman of the Fur Resources Committee of the International Association of Fish and Wildlife Agencies, recently talked to one of our project leaders, Mr. Samuel B. Linhart, and suggested that he formally request Committee membership.

Mr. Linhart presented information on the Denver Center's steel trap research at the recent Fur Resources Committee meeting in Albuquerque. I would be most appreciative if you would grant Mr. Linhart membership as his research on carnivores and steel trap modifications should enable him to make significant contributions toward the goals of the Committee.

Sincerely yours,

Clyde Jones
Director

cc: Duane Pursley

6

Statement of IAFWA Fur Resources Committee, 1982, relative to traps and trapping.

Trap Research

The Fur Resources Committee, in consideration of its responsibilities in recommending scientific research of new capture techniques for furbearers which increase selectivity, maintain or improve efficiency and reduce the frequency and degree of injury recommends the following:

That the IAFWA encourage state research organizations and institutions to undertake research leading to objective evaluation of the padded jaw trap, the double jawed trap, the powered leg snare, existing traps and other devices that may be developed on an array of commonly sought furbearers.

The Fur Resources Committee is actively pursuing the development of minimum criteria for trap evaluation and testing. Further, the Committee will seek implementation of this criteria in trap evaluation and testing through member agencies of the IAFWA.

United States Department of the Interior
FISH AND WILDLIFE SERVICE
DENVER WILDLIFE RESEARCH CENTER
BUILDING 16, DENVER FEDERAL CENTER
DENVER, COLORADO [illegible]

December 7, 1982

Mr. Greg Linscombe
Louisiana Department of Wildlife and Fisheries
Route 4, Box 78
New Iberia, LA 70506

Dear Greg:

Sorry I was unable to get my comments on the trap evaluation ms. to you sooner. I was in the field for 10 days and then had to attend several meetings following my return to Denver.

Hopefully, the attached numbered comments (keyed to the ms.) will be helpful. I had a portion of pages 1 and 2 retyped since my suggestions were extensive. As written, the introductory portion conveys a somewhat antagonistic attitude and comes across as a defensive "us-and-them" type situation. Perhaps my revision will convey the same information without giving this impression.

Sincerely yours,

Samuel B. Linhart
Depredations Control Research

Enclosure

Comments on manuscript CRITERIA FOR FIELD EVALUATION AND TESTING OF DEVICES FOR THE CAPTURE OF FURBEARERS authored by Edward P. Hill and Gary R. Parsons
(Numbers are keyed to those noted on ms. copy attached)

1. "Alleged" is perhaps a poor choice as there are adequate data to show that some leghold traps do cause injury to many captured animals.

2. Use of the word "restraining" would not encompass kill-type traps. How about "capture devices"?

3. "Evaluation" is synonomous with "testing."

4. R&D may never provide "answers" to satisfy critics, but at least acquiring "data" regarding damage, kill success, etc., will be a step toward minimizing criticism and may result in more acceptable equipment.

5. This statement sounds defensive. Perhaps it could be improved by simply saying ". . . but also to minimize objections to the harvest of furbearers based upon subjective impressions of cruelty."

6. While it is true that experienced trappers can locate their equipment to somewhat reduce the capture of nontarget species, in many cases they also have to take a number of nontargets such as rabbits, skunks, oppossums, etc., before they can begin taking the valuable land furbearers. I've seen this to be true for professional trappers over the past 20 years and to make a blanket statement that "the nontarget catch is an infrequent occurrence" simply isn't true in many cases.

7. The following subsection could be inserted here:

   I. Study Plan

      1. Clear statement of objectives
      2. Statement of hoped-for capabilities, intended use, species of interest, limitations
      3. Detailed description of procedures
      4. Statistical adequacy of study design and methods of data analyses
      5. Costs, personnel and time required

8. Time required will depend on the complexity of the test(s) and the number of variables involved. An arbitrary time of 3 years minimimum is not realistic.

9. Political considerations will be important, but if this is a criterion then how about mentioning something in terms of wildlife management, the efficient harvest of furbearers, animal damage control needs, etc. Actually, all the above should be considered in the introductory portion of the Study Plan (item 1).

10. Why set specifications for one particular section of the U.S. and not other geographic areas? Suggest this be deleted.

11. I don't see why sampling necessarily has to be carried out nationally as long as field situations can be found having the required conditions.

12. Perhaps some types of tests would require different sets, but in many cases the type of set would have no relationship to an evaluation and replicating trials using different-type sets would serve no useful purpose.

13. Considering all the various types, sizes and manufacturers of devices, it might be helpful to provide more guidelines on how to select specific devices.

In general, I think that the guidelines presented in this first draft are so brief as to be of limited help in defining objectives and procedures for capture device studies. Before further work is done on the outline, I suggest that the procedures and formats used by the American Society for Testing and Materials be reviewed. For years, this Society has provided guidelines for development and testing, and recently has begun sponsoring formalized procedures for evaluating biological materials and systems. I can provide some samples of the above, people to write, etc. If the Fur Resources Committee is truly interested in providing a detailed, comprehensive outline, I suggest that several members be selected and then meet to write the document. The Committee would probably have to provide funds for travel, etc.

Sam Linhart
December 8, 1982

Draft revision of pages 1 and 2 of CRITERIA FOR FIELD EVALUATION AND TESTING OF DEVICES FOR THE CAPTURE OF FURBEARERS authored by Edward P. Hill and Gary R. Parsons

Kill-type, leghold, and live traps, and snares are widely used for wildlife research, control of wildlife damage, and the harvest of furbearers. Efforts to improve their design and to evaluate their performance under a wide variety of field conditions have received little attention by the wildlife profession or those citizen groups and individuals who are opposed to their use. The relatively recent controversy and concern over the use of these devices are due, in large part, to an increased environmental awareness by a highly urbanized society in the U.S. Sharply diverging philosophies regarding the management of fur resources has heightened this controversy, but those who anthropomorize or apply human perceptions of fright and pain to trapped animals generate the severest criticism toward trappers and the use of capture devices. Evaluation of existing devices and development of modified or new devices can provide data to address this criticism. These data are needed not only to ensure that capture equipment is the best available, but also to minimize objections to the harvest of furbearers based upon subjective impressions of cruelty.

Another criticism frequently voiced is that trappers often accidentally catch nontarget species with existing capture devices. Development and evaluation of modified devices in a systematic manner may lead to ways of reducing the frequency of this occurrence. However, thorough field evaluation under varied trapping conditions should precede any recommendations for their widespread use so that their advantages and limitations are well understood beforehand.

A prerequisite to developing and testing capture devices is a clear, precise statement of hoped-for capabilities, intended use, target species, and anticipated limitations. Once these parameters are defined, hypotheses can be stated and experimental designs can be formulated. A clear definition of objectives and parameters before initiating developmental design and field evaluation will lead to more precise studies and better acceptance of the resultant data and conclusions.

Most research on capture devices conducted to date has compared experimental prototypes in one-on-one tests against commercially available devices that, through common use and over time, have gained trapper acceptance (Berchielli and Tullar 1980, Pruitt and Lucier 1957, Castro and Presnall 1944, and Hill 1981). A few studies have evaluated modifications of existing devices and systems (Linhart et al. 1981). However, quantitative evaluation of many devices currently in widespread use for capturing various species has never been conducted and needs ~~to be~~ attention. For example, little or no data are available to show how simple adjustments such as trigger tension and methods of securing devices affect capture rates and injury. Much of the available information is based on personal opinion and trial-and-error experiences of trappers, but controlled tests using procedures that permit statistical analyses of the data are almost entirely lacking. We are, therefore, less than well informed about devices now being used as standards for comparison with experimental prototypes.

The following outline is intended to serve as a guideline for the evaluation of capture equipment:

I. FIELD PERSONNEL

1. Level of trapper experience or expertise
2. Level of objectivity (built into design)
3. Capabilities to adequately determine injury
4. Degree of field supervision by research or managers to instruct and verify that procedures are followed

RECEIVE
1 8 1982
NEW IBERIA

CRITERIA FOR FIELD EVALUATION AND TESTING OF DEVICES FOR THE CAPTURE OF FURBEARERS[1]

EDWARD P. HILL, MS Cooperative Fish and Wildlife Research Unit, P.O. Drawer BX, Mississippi State, MS 39762

GARY R. PARSONS, New York State Department of Environmental Conservation, Delmar, NY 12054

There is a continuing need for evaluation and testing of traps and capture devices in order to identify those that, from a national perspective, are more acceptable to individuals and groups concerned with various aspects of consumptive use, research, animal damage control, and management of fur resources. There are numerous controversies just in the differing phisosophies concerning consumptive use of fur resouces, but those who anthropomorphize or place human assessments on fright and pain in animals generate the severest critism toward trappers because of the ① alleged injuries from the ② restraining devices they employ. ③ Evaluation and testing can provide the ④ answers to address this critism and is needed not only to insure that capture equipment is the best available, ⑤ but also to minimize opportunities for those of varied persuasions to attack consumptive use of furbearers on the basis of alleged cruelty.

A second critism that can be addressed by testing and evaluation is the aspect of trapping related to the occasional catch of the nontarget species. ⑥ The nontarget catch is an infrequent occurrance among skilled trappers, but probably occurs more often in trapping than in other forms of consumptive use of terrestrial and freshwater furbearers. Thorough field evaluation and testing should proceed widespread use of devices in order to understand and competently advise users of their efficiency and limitations and to minimize critisms based on nontarget catches.

---

[1] Developed through cooperative efforts by the Fur Resources Committee, International Association of Fish and Wildlife Agencies with joint input from the Fur Resources Committee, Southeastern Association Fish and Wildlife Agencies and Fur Resources Sub-Committee Southeastern Section of The Wildlife Society.

Prerequisite to evaluation or testing of harvest or restraint devices is a clear, precise statement of the device capabilities, intended use, target species or group and limitations. Once these parameters are defined, hypotheses can be stated and experimental designs set down to test the hypotheses. If undefined, the multitude of variables is so great as to make proposal design difficult and impractical.

In most evaluations or tests, an experimental device is compared in 1 on 1 tests against a standard that through common use, time, and trapper acceptance, has proved its worth (Berchielli and Tullar 1980, Pruitt and Lucier 1957, Castro and Persnall 1944, and Hill 1981). A few studies have evaluated modifications to existing devices and systems (Linhart et al. 1981). However, full evaluation and testing has not been completed on devices that are currently in wide use in several sets and for several species.

There is a substantial amount of opinion concerning attributes of capture devices, but documentation based on rigedly controlled procedures is largely lacking. Therefore we are less than well informed about devices that we are currently using as standards for evaluation. Variations in adjustments in trigger tension, in methods of securing devices, as well as other modifications may reveal improvements that address the criticisms noted above.

The following is a list of some of the variables that should be considered in trap and harvest equipment evaluation:

⑦ → I. FIELD PERSONNEL

1. Level of trapper experience or expertise
2. Level of objectivity (built into design)
3. Capabilities to adequately determine injury

These items should be shown under subsection VI

1. Obvious injuries - Types (foot, leg, teeth, mouth) and means of quantifying them
2. Hidden injuries - Technique(s) to assess
3. Delayed injuries - procedures recommended

II. WHEN: 1. Testing time prior to trap release to public (3 year minimum) (8)
(9) 2. Political considerations
(10) 3. Before, during, and after dog hunting seasons in southeast
4. Minimum temperatures (cold)
5. Maximum temperatures (warm)

III. WHERE: 1. Terrestrial sets (replicates nationally randomized) (11)
- a. Desert
- b. Arborial
- c. Subterminian
- d. Upland
- e. water or moist environments

2. Aquatic sets (replicates nationally randomized) (11)
- a. Brackish water
- b. Fresh water
- c. Varied depth
- d. Pocket and shoreline sets

IV. HOW: 1. Types of sets
- (12) a. Dirt hole
- b. Scent posts
- c. Trail sets

2 Trigger or pan tension (for selectivity)

3. Types of restraint
- a. Stakes
- b. Drags
- c. ~~Positive~~ drowning

V. DEVICES: (13)

1. Traps
- a. Leghold
- b. Body
- c. Live

2. Snares
- a. Body snare
- b. Leg snare
- c. Powered snare

Insert material from I(a-c) here.

VI. MEASUREMENT OF INJURY:
- a. Injury based on observation of superficial sign
- b. Internal or injury pathology based on radiographic or necropsy examinations

VII. SPECIAL CONSIDERATIONS: 1. Animal damage control uses
2. Research uses
3. Fur harvest

VIII. TARGET SPECIES: For each North American species, consider items I-VII above

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
ROUTE 4, BOX 78
NEW IBERIA, LOUISIANA 70560

FUR AND REFUGE DIVISION

MEMORANDUM

TO: Subcommittee Members and Participating State Biologists

FROM: Greg Linscombe

DATE: December 27, 1983

RE: Trap Evaluation Proposal

Enclosed please find the second draft of the trap evaluation proposal for padded jaw traps. This second (and I hope final) draft is a result of comments from all of the subcommittee members. I have attempted to incorporate all of the changes suggested. I still have hopes that the traps will be available in early January. I have not yet been able to confirm this with Woodstream because of the Holidays.

If you see any problems in the proposal or procedure please do not hesitate to contact me.

Greg Linscombe
Greg Linscombe

GL:ybd

Enclosures

FIELD EVALUATION OF PADDED JAW 1½ COIL SPRING AND STANDARD 1½ COIL SPRING TRAPS

The Fur Resources Committee has promoted the continued development and testing of improved fur animal traps for several years. The Committee has stated that an improved leghold trap would be one that maintains or improves catch efficiency and reduces the extent of foot injury.

The Canadian Federal Provincial Committee for Humane Trapping has accomplished much in the way of trap evaluation. This group has screened a number of new designs and lab tested many traps. However, field testing has not been accomplished for most traps. Also the emphasis in Canada has been on killing type traps. Although these traps have a place in certain situations, in many states they will never be used because of human populations and accompanying domestic animals. Trapping in much of Canada involves very remote areas where the killing type trap poses no problem and is in fact the correct choice for taking some species. In the United States many furbearers are harvested with killing type traps, particularly muskrat and beaver. However, the leghold is still the single most important tool for harvesting most furbearers.

Woodstream Corporation, located in Lititz, Pennsylvania, is a major manufacturer of many types of traps. This corporation has been involved with development and testing of modifications on leghold traps for many years.

The Fur Resources Committee at its annual meeting in Milwaukee in September, 1983, received a summary of preliminary findings from 5 studies evaluating padded jaw or cushion hold traps. Woodstream has developed these padded jaw traps over a period of 7 years.

Dr. Victor Nettles, Southeastern Cooperative Wildlife Disease Study, indicated that the first generation of the padded jaw 1½ coil spring traps significantly reduced foot injury in some species. Researchers in New York (Gary Parsons), Louisiana (Greg Linscombe) and Alberta (Pat Dwyer) working with the second generation padded trap indicated their preliminary results with the 1½ padded jaw coil spring showed a significant reduction in foot injury and appeared to have the same catch efficiency. Evaluations of the #3 padded jaw coil spring at the Denver Wildlife Research Center (Sam Linhart) showed the same results with coyotes. Most of the 1½ padded jaw testing has been on fox.

The 1½ padded jaw coil spring is currently being marketed in Canada by Woodstream under the name 1½ soft catch coil spring. This trap may soon be marketed in the United States.

All preliminary data on this padded jaw trap is encouraging. This is the first modification of a leghold trap that appears to substantially reduce foot injury and yet maintain efficiency. The Fur Resources Committee of the International Association of Fish and Wildlife Agencies believes that this trap warrants accelerated evaluation because of the preliminary results and the committee has singled out this trap for no other reason. The Fur Resources Committee would promote testing of any device or modification that displays similar performance. Woodstream Corporation is convinced the trap is a significant improvement and is therefore marketing it. The Fur Resources Committee believes it is essential that state fur biologists have some basic information on this trap available if it is marketed in the U. S. Such information will make wise decisions or recommendations concerning this new trap much easier. Therefore the Committee proposes to coordinate the evaluation of this trap in selected regions of the country. The selections of states to participate are related to the climate, harvest of particular species and the working relationship of the state biologist with the Committee. This project will be coordinated by the Committee's subcommittee on trap evaluation. Traps for evaluation will be supplied free of charge by Woodstream. Other expenses will be the responsibility of the states involved.

The objectives of this evaluation are:

1) To compare the catch efficiency of padded jaw leghold traps to that of standard leghold traps.
2) To compare the nature and the magnitude of foot injury in animals captured with padded jaw leghold traps to that of animals captured with standard leghold traps.

METHODS AND MATERIALS

The following 8 states will provide the required number of the assigned species, one half to be captured with the standard coil spring trap and one half to be captured with the padded jaw coil spring trap.

NEW YORK	TRAP SIZE		
Gary Parsons	No. 1¾ coil	#1 trapper	10 red fox
Dept. of Environmental Conservation	"	#2 trapper	10 red fox
Wildlife Resources Sec.	"	#3 trapper	10 gray fox
Delmar, New York 12054-9767	"	#4 trapper	10 gray fox
518-439-8082			
MINNESOTA			
Ed Boggess	"	#1 trapper	10 red fox
Dept. of Natural Res.	"	#2 trapper	10 red fox
Box 7, Centennial Bldg.			
St. Paul, Minn. 55155	"	#3 trapper	10 gray fox
612-296-3344	"	#4 trapper	10 gray fox
MISSISSIPPI			
W. J. Hamrick	"	#1 trapper	10 raccoon
Rt. 3, Box 547	"	#2 trapper	10 raccoon
Newton, Miss. 39345			
601-961-5378			

LOUISIANA	TRAP SIZE		
Greg Linscombe	No. 1½ coil	#1 trapper	10 red fox
Dept. of Wildlife & Fisheries	"	#2 trapper	10 red fox
Rt. 4, Box 78	"	#3 trapper	10 gray fox
New Iberia, LA 70560	"	#4 trapper	10 gray fox
318-369-3808	"	#5 trapper	10 raccoon
	"	#6 trapper	10 raccoon
TEXAS			
Dr. Bruce Thompson	No. 1½ coil	#1 trapper	10 red fox
Texas Parks & Wildlife	"	#2 trapper	10 red fox
4200 Smith School Road			
Austin, Texas 78744	"	#3 trapper	10 gray fox
512-479-4979	"	#4 trapper	10 gray fox
	"	#5 trapper	10 raccoon
	"	#6 trapper	10 raccoon
	No. 3 coil	#7 trapper	10 bobcat
	"	#8 trapper	10 bobcat
	"	#9 trapper	10 coyote
	"	#10 trapper	10 coyote
IDAHO			
Neil Johnson	No. 3 coil	#1 trapper	10 bobcat
Dept. of Fish & Game	"	#2 trapper	10 bobcat
P. O. Box 25			
600 S. Walnut St.	"	#3 trapper	10 coyote
Boise, Idaho 83707	"	#4 trapper	10 coyote
208-334-3064			
KANSAS	No. 3 coil		
Lloyd B. Fox	"	#1 trapper	10 bobcat
RR #2, Box 54A	"	#2 trapper	10 bobcat
Pratt, Kansas 67124			
316-672-5911	"	#3 trapper	10 coyote
	"	#4 trapper	10 coyote
ARIZONA			
John Phelps	"	#1 trapper	10 bobcat
2222 W. Greenway Rd.	"	#2 trapper	10 bobcat
Phoenix, Arizona 99701			
602-942-3000	"	#3 trapper	10 coyote
	"	#4 trapper	10 coyote

Evaluation will begin during January, 1984. Northern states may not initiate research until the fall of 1984. Trappers or biologists will be selected and supervised by the state fur biologist. The responsibility for the following instruction sheet and maintaining accurate records will rest with the state fur biologist.

Gray fox, red fox and raccoon will be taken with #1½ coil spring traps, and coyote and bobcat with #3 coil spring traps.

The padded jaw and standard traps will be alternated along the trap line. Preferably the same type set and lure will be used for all traps. If different type lure or sets are used they will be paired. Traps will be set and checked each day.

Each trapper will receive one dozen padded jaw traps and one dozen standard traps.

It is essential that exact trapping procedure be followed and records be complete and accurate in order to measure catch efficiency and foot injury. Each state biologist and trapper will receive copies of the attached instruction sheet to be explained to the trapper by the biologist.

Once the animal has been dispatched, an aluminum tag will be attached to the trapped leg and the trapper's name, state, date and trap type will be recorded on this tag. All animals will be skinned a minimum of 6 inches above the point the trap strikes. The leg will next be removed from the carcass at the shoulder and frozen. These legs will be collected by the state fur biologist for shipment to a designated place. These tags will be replaced with a coded numbered tag to be used by the veterinary school for compiling analysis. Some tagged but untrapped legs will be included in this sample. This analysis will consist of radiographs and necropsy for injury comparison. The procedure used will duplicate the system used by Dr. Vic Nettles (see attached sheet).

Catch efficiency data will be compiled from field data sheets. Catch efficiency data will be statistically analyzed using a paired t-test. Other methods for analyzing these data are also being considered. A final report will be completed within one year following field testing. The trap evaluation subcommittee will be responsible for the completion of this report.

This report will be circulated to all IAFWA member states as well as other interested persons.

This proposal was developed by the Fur Resources Committee's subcommittee on trap evaluation. Members include Ed Hill, Mississippi Cooperative Fish and Wildlife Research Unit, P. O. Drawer BX, Mississippi State, Mississippi 39762, 601-325-2643; Gary Parsons, Department of Environmental Conservation, Wildlife Resources Section, Delmar, New York, 12054-9767, 518-439-8082; Neil Johnson, Idaho Department of Fish and Game, P. O. Box 25, 600 S. Walnut, Boise, Idaho 83707, 208-334-3064; Don Hoyt, National Trappers Association, Inc., 15412 Tau Road, Marshall, Michigan 49068, 616-781-3472; Douglas Miller, National Wildlife Federation, 1412 Sixteenth Street, N. W., Washington, D. D. 20036, 202-797-6800; Sam Linhart, Denver Wildlife Research Center, Building 16, Denver Federal Center, Denver, Colorado 80225, 303-234-2283; and Greg Linscombe, Louisiana Department of Wildlife & Fisheries, Rt. 4, Box 78, New Iberia, Louisiana 70560, 318-369-3807.

TRAP EVALUATION

INSTRUCTION SHEET

Trapper: Review this sheet with state biologist.

1. All trappers will receive 1 dozen padded jaw and 1 dozen standard coil spring traps (No. 1½ or No. 3).

2. Trappers will be assigned a particular species. All species will be captured with No. 1½ traps except bobcat and coyote which will be taken with No. 3 traps.

3. Traps will be ready for final adjustments, dyeing and waxing unless otherwise specified. Padded traps will be treated the same as standard (boiling, dyeing, waxing, etc.).

4. All traps must be staked down (no drags allowed).

5. The padded jaw and standard jaw traps will be alternated along the trap line. This is very important to avoid matching better trails or animal sign with a particular trap. Traps will be checked daily.

   Once traps are being moved this alternated pattern may be lost, however a pulled trap (padded or standard) will be set on the next available new trail when relocating.

6. We will not require that a particular type of set or lure be used. However we can achieve better data if sets are restricted to two (2) basic types (Scent Post or Dirt hole). Example: If 12 padded traps are set using a scent post set then 12 standard traps must be set the same way.

7. The same procedure holds true for lures. Example: If you decide to use one type of lure with all 12 standard traps, then you must use the same lure with all padded traps.

8. As traps are set along the trapline the type of trap (padded or standard) will have to be coded with flagging near by. Example: One color for padded another color for standard.

   This procedure is essential in order to maintain accurate records, particularly when a trap site is undisturbed. It quickly becomes difficult to remember which type of trap is set at each location.

9. The daily catch record form must be accurate in order for the trapper's data to be included in the study. The form must be taken to the field each day and entries made at each stop. Extra forms should be carried each day. Once these have been checked by the state biologist they should be xeroxed with one copy for the Fur Resource Committee and one for the state biologist.

10. Trappers and state biologists must review daily catch record forms together to insure a complete understanding of the form.

11. Once an animal is captured, enter the appropriate data on the form.

12. If the assigned species is captured, securely attach an aluminum tag to the trapped foot of the captured animal as soon as the animal is dispatched. The trapper's name, state, date and type trap will be recorded on each tag.

13. All animals will be skinned a minimum of 6 inches above the point the trap strikes.

14. Next the leg will be removed from the carcass at the shoulder and frozen. Make certain that the aluminum tag is securely attached to the trapped leg. State biologist will make arrangements for shipping these legs for necropsy.

15. If there are any questions about procedure please contact the state biologist. If he is uncertain he will contact the Fur Resources Committee.

TRAP EVALUATION

DAILY CATCH RECORD FORM

Over Trap

Date____________________ Ground Condition____________________

Previous nights' minimum temp.__________: Sky Condition____________________

Trapper's name______________ State______________ :Species Assigned______________

______________________________: Trap Size Assigned____________________

Reg.	Padded	Soil Type	Check if trap fired - No catch	Check if animal sign: trap not fired	Condition of catch	Species caught	REMARKS
1							
	2						
3							
	4						
5							
	6						
7							
	8						
9							
	10						
11							
	12						
13							
	14						
15							
	16						
17							

Following radiographic examination, the legs were skinned and dissected. Traumatic injuries to the leg were given leg damage scores as follows:

1.	Apparently normal	0 points
2.	Edematous swelling and hemorrhage	5 points
3.	Cutaneous laceration <2cm	5 points
4.	Cutaneous laceration >2cm	10 points
5.	Tendon or ligament laceration	20 points
6.	Joint subluxation	30 points
7.	Joint luxation	50 points
8.	Simple fracture below carpus or tarsus	50 points
9.	Compound fracture below carpus or tarsus	75 points
10.	Simple fracture above carpus or tarsus	100 points
11.	Compound fracture above carpus or tarsus	200 points
12.	Amputation of the leg	400 points

Leg damage points were cumulative, and many animals were scored for more than one type damage. Persons conducting the necropsy studies were not informed as to trap type until the scores were finalized. These scores were used for statistical purposes to compare the damage caused by the two types of traps.

Personal Communication, Dr. Victor Nettles, January, 1984.

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
ROUTE 4, BOX 78
NEW IBERIA, LOUISIANA 70560

FUR AND REFUGE DIVISION

M E M O R A N D U M

TO: Subcommittee Members and Participating State Biologists

FROM: Greg Linscombe

DATE: January 5, 1984

RE: Delivery of Traps

On January 4, 1984, I contacted Rib Robertson concerning the delivery of standard and padded jaw traps. He explained that the traps should be sent out to each participating state biologists within the next 2 weeks. At this time, only Number 1½ padded traps are ready to be delivered. Woodstream is still modifying the Number 3 coil. They believe this modification is close to completion. It apparently involves the clamp that holds the pad on the jaw. The Number 3 padded coils will not be ready for delivery until late January. These developments may delay trap evaluation until next year. However, if the traps arrive in time for some evaluation in your state, please do not hesitate to collect some data.

The standard traps will have to be modified by the state biologist and/or the participating trappers. This will involve cutting the chain to the same length as the padded jaw traps and modifying the attachment point from the end to the center. Also a swivel will be mounted on the end of the chain similar to the arrangement on the padded trap. If you have questions concerning these modifications or other questions concerning the proposal please do not hesitate to contact me.

Greg Linscombe

Greg Linscombe
Research Biologist

GL:gbd

United States Department of the Interior
FISH AND WILDLIFE SERVICE
DENVER WILDLIFE RESEARCH CENTER
BUILDING 16, DENVER FEDERAL CENTER
DENVER, COLORADO 80225

July 13, 1984

Greg Linscombe
Chairman, IAFWA Fur Resources Committee
Route 4, Box 78
New Iberia, LA 70560

Dear Greg:

In response to your memo of July 6, it's very unlikely that I will be attending the Committee meeting in Juneau on September 9. However, I will do my best to send you a summary beforehand of our FY-84 steel trap research. As you know, I think we will need to conduct one or more additional field tests this fall and have coyote legs checked by Dr. Glenn Olsen at LSU before I am satisfied that we have given both double coil and long spring padded traps a fair evaluation.

My input and participation in Committee affairs has been pretty much limited to modification and evaluation of capture devices so my suggestions for topics at the meeting are limited to this area. I note that the advantages or shortcomings of padded traps are being discussed more and more frequently and more articles and letters are appearing in trapper magazines and elsewhere. FWS and DWRC are also receiving an increasing number of inquiries regarding our research on traps. Most of the statements appearing in popular outlets are not supported by any data whatsoever and I think it important to stress to Committee members the desirability of the IAFWA and its members taking the lead in the collection of data and interpretation thereof so that there is some organization coordinating research activities and objectively transmitting findings to managers, administrators and legislators. Concern over traps, trapping and restrictions placed on this activity are increasing and, as so often happens, the political aspects seem to overshadow the biology, particularly when no quantitative data are available. In this regard, there is still nothing published on padded traps and their efficacy in relation to the standard models. The paper to be published in New York on fox traps and the one that will be presented this month in Victoria, B.C. at the Western AFWA will be very helpful but much more work will be needed to assess advantages and limitations. I think it important that emphasis be given to using comparable methodologies, particularly with regard to pathology such as the technique developed by Nettles. If this is not done, I anticipate a great deal of frustration in the future by individuals trying to compare results reported by different investigators.

The above are about the only suggestions I have at this time; have a good time at the September meeting and I'll send you some copies of my progress report.

Best regards.

Sam Linhart

cc: Fall

SNARES - ATTACHMENT 4

PD 1-15

July 12, 1977

Mr. E. T. Davies
New York State Department
of Environmental Conservation
Raybrook, New York 12977

Dear Mr. Davies:

Mr. Alex Caron informed me you are developing and testing a new leg snare "Ezyonem" that may be suitable for coyote and bobcat.

In view of the current pressure to pass legislation banning the steel leg-hold trap, we are most anxious to develop alternatives for use both in fur harvest and, particularly, the predator control program in the west. We have used the Aldrich bear snare for years and, while he made some experimental models for coyotes in the 60's, they were never put into use.

We would like, if possible, to obtain 6 to 10 of the devices for testing. We have facilities for capturing coyotes and recording the entire sequence on video tapes and would be happy to provide you with test information. We would also appreciate any reports from recent field tests if available.

As you probably know, the Fish and Wildlife Service supervises approximately 500 trappers engaged in predator control for livestock protection in the west. The transformation to new control tools is a long, slow, process.

Sincerely,

Donald S. Balser
Chief, Section of Predator
Damage Research

DSBalser:mb:7/12/77

8/5/7 Sam
FYI
DSB

DO 1-9

August 5, 1977

Office of the Solicitor, USDI, Washington, D.C.
Thru: Acting Chief, Division of Wildlife
Research, FWS, Washington, D. C. (WR)

Acting Director, Wildlife Research Center,
Denver, Colorado

Patent Search--Animal Snares and Den-Gassing Devices and Agents

As part of the necessary review of literature in the development of control methods, we request a patent search of the following two devices:

1. Animal snares--spring-loaded or otherwise for capturing animals by leg or body.
2. Den-gassing or smoking devices and agents (gas cartridges) for killing animals in dens or driving them out for capture.

We would appreciate an estimate of the charges for budgeting purposes. In the the event there are questions, the person to contact is Donald S. Balser, Chief, Section of Predator Damage Control, Denver Wildlife Research Center, Denver, Colorado, telephone 303-234-2287.

We are enclosing a list of patents we are aware of in each area.

Richard D. Curnow

Enclosures

DSBalser:mb:tas 8-5-77

August 4, 1977

Information on Snare Patents

New York--a Mr. Elmer Davies supposedly has a patent application or a patent for a snare device called the "Ezvonem" now being field tested.

A man in California has a patent application for a double snare, spring-loaded, now being tested.

Aldrich leg snare--developed in the State of Washington.

Swedish leg snare, Patent No. 3,967,408 (see attached).

Note:

A major problem occurs in that snares seem to be classed as "animal traps" by the patent office which necessitates searching traps for snare devices unless there is cross-referencing under a subject "snares."

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Richard N. Smith, Asst. Deputy Associate
Director-Research, FWS, Washington, D.C. (AR)
THRU: Director, Denver Wildlife Research Center

DATE: February 6, 1978

FROM : Chief, Section of Predator Damage Research,
Wildlife Research Center, Denver, Colorado

SUBJECT: Request for Reports on Tranquilizer Tabs and Leg Snares

The attached reports on status, projections, and cost are submitted as requested. If any further information is needed, we will be glad to provide it.

Donald S. Balser

Attachments

5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Denver Wildlife Research Center
February 6, 1978

Report on Proposed Research on Leg Snares

Status

In recent years we have observed some interest developing in spring loaded leg snares. Snares have generally been outlawed because the neck or body type were inhumane. The foot or leg hold type is now thought by some to be a potential replacement to the steel leg hold trap.

Development of prototype designs has been going on simultaneously in Canada, Sweden, and at least five states in the United States. A patent search has been received and we have proposed that we initiate research to modify or develop a spring loaded leg snare as an additional damage control tool where applicable and as a potential device for fur harvest.

Our first step is to contact all suppliers and obtain models for pen tests at Logan, Utah similar to the trap tests we have run where the actual capture and subsequent actions are recorded on video tape. The first snares we test will be the Swedish leg snare since it is a novel design and already on hand. This will be followed by the New York and Canadian snares (we have had some problems in obtaining models and information because of patent rights not being cleared, etc.). Last, we have considerable background information and assistance from a number of government trappers who have worked out their own snare designs or modified the Aldrich snare. (The Fish and Wildlife Service successfully adapted the Aldrich bear snare to bear damage problems).

We also have an experienced coyote man who has a complete machine shop and can combine the mechanical and biological skill needed to make advances. He is currently involved in improving and correcting the problems of the M-44 and upon completion of this assignment we are requesting via our annual work plans to have him assigned to research on the spring loaded leg snare. In addition, we have an improved, or possibly superior, snare design, but the patent status has not been cleared. To obtain working models will take some time to accomplish after the M-44 work is completed, probably six months to one year.

Projections

While we believe there is a potential to develop a successful leg snare that will be acceptable to humane organizations, the requirements for effectiveness, safety, and humaneness are more or less subjective until sufficient test data is obtained to get a reading. Therefore, no one can predict results from a sociological viewpoint.

On the biological side of the problem, existing data on effectiveness, capture of non-target species, damage to animal, etc., is not indicated in sufficient detail on any device to date. This data will all have to be obtained from scratch on a comparable basis. The big problem with any capture device other than humaneness is the success-unit-time relationship. For example, the average capture success of traps and M-44's is approximately one coyote per unit year under all conditions. Unless another device can equal or exceed this it will not be successful except for limited applications. To determine this information will require thousands of test nights under varying conditions of season, weather, terrain, population levels, species composition mixes, and comparisons with other methods. Historically, there is no panacea for damage control or capture methods for wary animals, nor is there likely to be. However, there is both a need and potential merit to improving effectiveness and humaneness of existing controls.

On the biological potential, we again cannot predict the results. Given successful results there are still problems to solve in production, training, and eventual use that will require an undetermined amount of time and research effort.

Cost Estimates

Personnel	
1 permanent full-time GS-11 Wildlife Biologist	$20,000
2 permanent part-time or temporary technicians	12,000
Expenses	
Supplies, materials, transportation	8,000
Pen Tests	
Facilities, coyotes and caretaker costs (for at least six devices plus modification and development)	20,000/year
*Annual cost per year for 3 years	$60,000

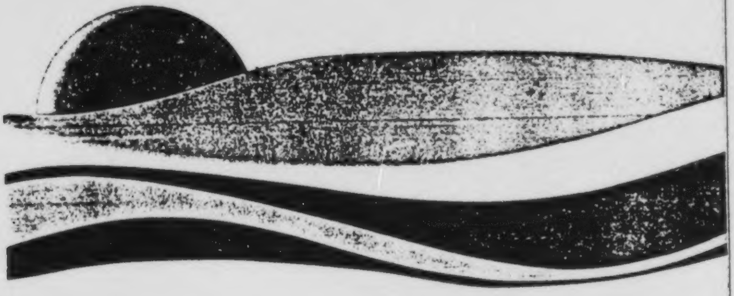
*The cost of pen tests will diminish as field tests begin, but eventual costs of field tests on a wide scale may exceed this budget; however, we expect some will be borne by operations in the later phases.

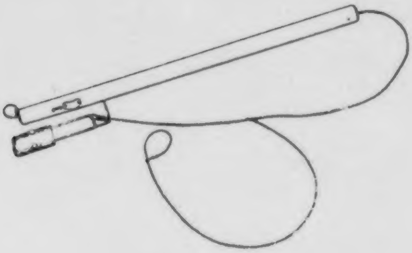
Donald S. Balser
Chief, Section of Predator Damage Research

Information provided by Jan Englund,
Assistant Professor, Stockholm
University, February, 1978

Rävfångare/Fox legsnare

jan's
catcher





Jan's Catcher är en helt ny typ av rävfångare. Många års experiment och forskning ligger bakom konstruktionen som är patenterad i 5 länder. Forskningsarbetet har letts av docent Jan Englund vid Stockholms Universitet.

Jaktåret 1975–76 fångades 111 rävar av 22 st fångstmän. Varje fångstman hade 5 st rävfångare. Delar från de fångade rävarna skickades till docent Englund för undersökning om eventuella skador hade uppstått. Skadefrekvensen visade sig vara mycket låg. Docent Englunds slutsats är att den här jaktmetoden är den mest humana som förekommer på räv.

Förutom till jakt används också Jan's Catcher för forskningsändamål. T.ex. av Lunds Universitet, Uppsala Universitet och av Statens Naturvårdsverks forskningsstation på Grimsö.

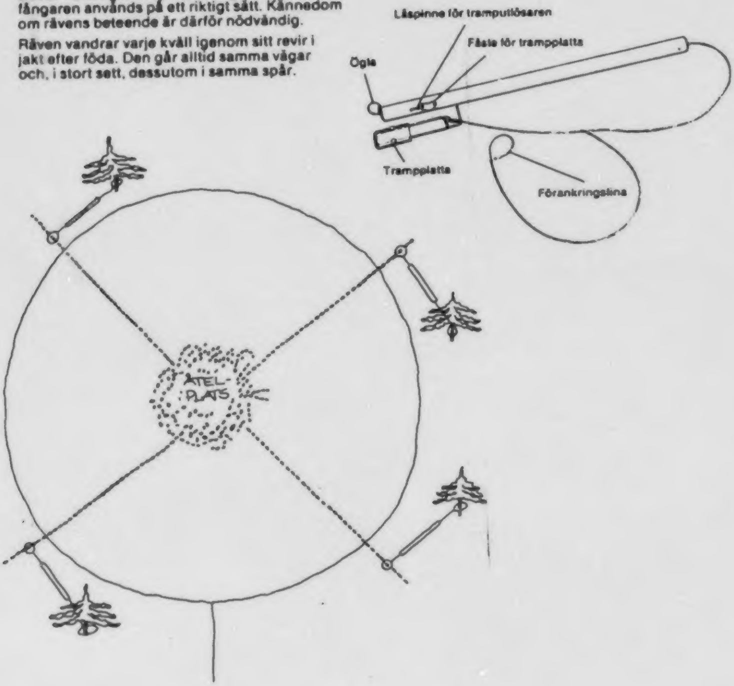
En annan väsentlig fördel med Jan's Catcher, förutom att den är effektiv och skonsam, är att den inte behöver behandlas. Efter varje fångst spolar man bara av den med varmt vatten.

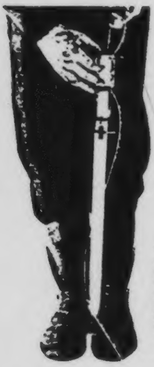
Det är naturligtvis mycket viktigt att rävfångaren används på ett riktigt sätt. Kännedom om rävens beteende är därför nödvändig.

Råven vandrar varje kväll igenom sitt revir i jakt efter föda. Den går alltid samma vägar och, i stort sett, dessutom i samma spår.

Tidigt på hösten börjar man att lägga ut åtel på en lämplig plats. Detta upprepas under ca 3 månader. Det är viktigt att åteln grävs ner lite så att marken blir invittrad. När rävfångaren skall läggas ut tar man skidorna och åker runt åtelplatsen för att söka efter rävens in- och utgångar. Åk då inte närmare än 100 meter från åtelplatsen. När man kommer till ett spår, kopplar man loss skidorna och tar ett rejält steg från skidspåret. Rävfångaren apteras och läggs ut i tredje eller fjärde spårstämpeln från skidspåret räknat. Fångstchanserna ökar naturligtvis om man lägger rävfångare på alla in- och utgångar.

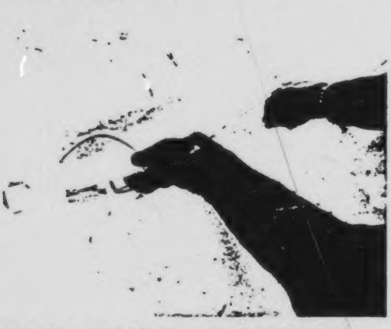
Hur man rent tekniskt hanterar och lägger ut rävfångaren framgår av beskrivningen på omstående sida.





1. Dra ut öglen tills låspinnen för tramputlösaren kommer fram i skåran. Vik över trampplattan så att den fixerar låspinnen. Lägg öglen över trampplattan. Rävfångaren är nu apterad.

2. Ta ur ett hål i tredje eller fjärde spårstämpeln (se också bild nr 3). Gräv ur ett utrymme där fångaren skall läggas.



3. Lägg öglen ovanpå snön och sopa över. Se till att trampplattan kommer i det hål som grävdes i spårstämpeln. Öglen skall ligga minst 5 cm ovanför trampplattan. Ingen snö får finnas under trampplattan.

4. Täck snaran med snö.

5. Jämna till så att alla spår utplånas.

6. Fäst en buske i förankringslinen. Nu är det bara att vänta på räven.

NORDIC SPORT AB *information*
Kanalgatan 73 — 931 00 Skellefteå

JAN'S CATCHER

Jan's catcher is a completely new type of fox leg-snare. Many years of experiment and research are behind the construction, which is patented in 5 countries. The research work has been led by docent Jan Englund at the University of Stockholm.

In the hunting year of 1975-76, 111 foxes were caught by 22 hunts-men. Each hunt-man had 5 fox leg-snares. Parts from the caught foxes were sent to docent Englund for an examination, to see if any injuries had occurred. The frequency of injuries turned out to be very low.

Docent Englund's conclusion is that this method of hunting is the most humane existing in fox-hunting.

Jan's catcher is also used for research purposes, for example by the Universities of Lund and Uppsala, and by the National Nature Saving research station at Grimsö.

Another essential advantage with Jan's catcher, besides it being effective and lenient, is that it does not need any special treatment. After each capture, you just rinse it in hot water.

Naturally, it is very important that the fox leg-snare is used in a proper way. Knowledge of the fox's behaviour is necessary.

The fox wanders each night through its territory in search of food. It always takes the same way and, mainly, also the same track. Each autumn you start putting out lure in a suitable place. This is repeated during 3 months. It is important to dig down the lure a bit, to make the smell go into the ground. When the fox leg-snare is to be put out, you take skis and go round the lure-place to look for the fox's entrances and exits. Do not go closer than 100 metres from the lure-place. When you come to a track, you take off the skis and take a big step away from the skiing track. The fox leg-snare is adapted and put in the third or fourth trackmark (counted from the skiing track). Of course, the chances of a capture are improved if you put fox leg-snares at all entrances and exits

How you, technically, use and put out the fox leg-snare is shown in the description on the next page.

Text of pictures

1. Pull out the loop until the lock-peg of the tread-releaser is shown in the score. Fold the tread-plate to fix the lock-peg. Put the loop over the tread-plate. The fox leg-snare is now adapted.

2. Make a hole in the third or fourth trackmark (see also picture 3). Dig out a space to put the leg-snare in.

3. Put the loop on the snow and sweep over. Put the tread-plate in the space that was dug out. The loop must be at least 5 cenimetres over the tread-plate. No snow must be under the tread-plate.

4. Cover the snare with snow.

5. Smooth the snow to wipe out all marks.

6. Fasten the anchorage rope to a bush.
   And finally, wait for the fox.

See Addressees Below September 26, 1979

Project Leader, Depredations Control
Denver Wildlife Research Center, Denver, Co.

Steel Trap Modifications and Foot Snare Field Tests:
Meeting October 11, 1979.

We have scheduled a meeting at the Denver Center on October 11th to discuss research needs in the following areas:

1 1. Field evaluation of Vic Keenan's coyote foot snare

3 2. Comparable evaluation of the Ontario foot snare, providing the patent procedure is completed and snares are made available to us.

4 3. Field tests of Woodstream's #3 double coil spring coyote trap with padded jaws.

5 4. A search for alternate types of material for padding steel trap jaws.

2 5. Field evlauation of pan tension devices.

6 6. Discussion of FY-80 DWRC Annual Work Plan Advice stating that we should initiate tests to determine the effects of tranquilizer trap tabs on non-target species.

I am hoping that the individuals listed below can attend the meeting. If our meeting date conflicts with prior commitments, please give me a call. (303) 234-2126.

Samuel B. Linhart
Wildlife Biologist (Research)

Addressees:
Acting ADC State Supervisor, Albuquerque, New Mexico
Donald Balser
Gary Dasch
Vic Keenan
Frank Turkowski

SBLINHART-mbj-9-26-79

+ Daryl Gretz

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT

Linhart

Memorandum

TO : Vic Keenan

DATE: 28 February 1980

FROM : Sam Linhart SL.

SUBJECT: Field Evaluation of Coyote Foot Snare--South Texas, March 1980

To verify our phone call today, when you initiate your field evaluation of the coyote foot snare, please keep in mind the following:

1. Aim for catching 20 coyotes. If for some reason you have problems with the foot snare or run into other difficulties, please give Don Balser a call as I will be out of the office until March 17.

2. It is important that you save a foot from each snared coyote. Be sure to carry dry ice with you to keep them cold and then transfer them to the freezer at Laredo.

3. Place each foot in a separate plastic bag. Consecutively number each coyote you take, put the number on a water-proof tag in the bag with the foot, as well as on your data form. After each number, put your initials so that we don't have a mixup between the animals taken by you and Gary Dasch. Feet from all coyotes should be saved, regardless of whether or not they appear to have been damaged by the foot snare. When you have taken 20 coyotes and are ready to head for home, leave the frozen feet and a copy of your data forms there in Laredo for Gary Dasch to bring to Denver when he returns.

4. Please make a special effort to work closely with Gary Dasch so that he can learn how to set your foot snares, learn of potential problems or mechanical failures, and please discuss fully with him what you have learned to date regarding fabrication, limitations and advantages.

I am looking forward to seeing you on the 19th.

5010-110

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UNITED STATES GOVERNMENT

Memorandum

Sam

TO : Don Balser DATE: March 15, 196[illegible]

FROM : Vic Keenan

SUBJECT: Field Test - Model 15 Trap Snare

A field test of the Model 15 trap snare was run March 3-15 north of Laredo, Texas on the Thompson Lease. All traps were set in conjunction with Gary Desch's test of the tranquilizer nipples using the same truck and areas. 39 traps were used.

The adding of the bushings to the spring arm mechanism worked very well as there was no malfunctions caused by this as was with the El Paso test. Gary Desch set several of the traps and it was his opinion that they were easier to set than a steel trap. After observing the movement of the coyotes to the trap it was decided to set the trap with the arm out towards the coyotes approach. The spring was set deeper with the coyote walking over the trip arm. Coyotes caught while approaching trap up the arm were caught about six inches up the leg.

There were two malfunctions caused by the small arm on the pan locking. Inspection showed that the pan hole was too small and had not been enlarged. Both malfunctions were on the same trap and same arm. Three malfunctions were caused because the cable got under the positioner arm when setting.

The only change on the trap contemplated is to add a bushing to the shock absorber or positioner arm to prevent any sideways locking when coming up into position.

The snare was a different story. The plastic tubing used to pad the trap was too stiff and held the loop open. This was segmented into six parts. It was suspected but not confirmed until the last day when a coyote was caught and while struggling the cable was observed coming off the foot. The plastic tubing action amounted to small wheels rolling. About 14 coyotes were lost because of the tubing. The small clevis on the cable lock used in the El Paso test was not used. This also was a mistake. A bend in the cable was supposed to provide the hinge needed for a smooth trip. In reality when the trap was tripped the tension was so strong it straightened out the cable bend causing the lock to bind in about half of the traps.

Only three coyotes were held. The cable tip came off two cables. Three havelina's were caught. One small one stepped out of the cable loop after being caught. 219 trap nights were used with 39 traps being set. All traps were tripped the last day to observe the action. The trap has to be bedded around the cable to prevent the cable from tripping the trap when stepped on by a coyote. There was no tripping from small animals.

The traps will be kept at Monte Vista. Bushings will be put in the positioner arms. The small clevis will be put back on all cable locks. This will all be done before I leave so the traps will be ready for the field. Also the original small rubber tubing will replace the plastic used in the Laredo test. A suitable padding for the cable will have to be found later.

Victor D. Keenan

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT

Memorandum

TO : Sam Linhart

DATE: May 28, 1980

FROM : Gary Dasch

SUBJECT: Field Notes of M-15 Snare Test

On my recent trip to Logan, New Mexico, to field test the Model 15 Snare (M-15) developed by Vic Ke[illegible]n, I found there were a few things that should be modified before any further field testing is done.

I set out 29 M-15 snares during the test period. It rained 6 out of 11 days, so rust was a big problem. When I sprung all the snares on Friday, May 16, 21 snares failed to close the cable up against the lock.

Following are some of the problems that I found:

1. The positioner arm seemed to be the worst as rust was getting in between the washers used as spacers; this would either lock the arm solid or slow them down.
2. The small arms on the pan worked better than in Texas, but a few rusted and stuck to the slots in the trap frame.
3. On the cable I found the clevis that Vic added worked real well. I only had a problem with three cable locks, all due to rust in the housing.

I think the concept of the M-15 snare is very good. But we need to look into having it modified to work under all weather and soil conditions. I feel if I had been in a dry test area the snare would have worked very well.

Some ideas on modification would be:

1. Nylon could be used on positioner arms instead of washers.
2. The trap frame might be made out of cast iron or aluminum alloys. This then could be attached to spring arm bar.
3. The cable lock could be made out of stainless steel, or even maybe high impact nylon or plastic.
4. Maybe the whole unit could be hot dipped or galvanized. (I will take one apart and spary with ZRC to see if it slows it down any.)

Gary Dasch
Gary Dasch

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5010-110

January 15, 1981

Mr. Milan Novak
Wildlife Branch
Ministry of Natural Resources
Queens Park, Toronto, Ontario
M7A 1W3

Dear Milan:

I recently learned that the Woodstream Corporation is currently evaluating your foot snare in south Texas to determine its effectiveness for capturing coyotes. During our brief discussion last August in Maryland at the Furbearers Conference I believe you indicated that your patent application would be approved in early winter and thereafter the snare could be made available for evaluation.

This letter is to inquire whether it would now be possible for the Denver Wildlife Research Center to obtain a limited number of snares so that we might run a controlled test to determine if it would be a suitable tool for the U.S. Fish and Wildlife Service to use. As you know, we have been conducting field tests for several years using various approaches for reducing coyote foot damage caused by steel leghold traps. We also developed our own prototype foot snare but for various reasons have decided not to pursue any further development of this particular device.

I would be most appreciative of any information regarding the status of your foot snare and whether a limited quantity could now be obtained for our evaluation.

Sincerely,

Sam Linhart, Acting Chief
Predator Management Research

cc: Hawthorne
Tinsley
Turkowski

Ontario
Natural
Resources

Your file:

Our file:

January 26, 1981

Mr. Sam Linhart
Acting Chief
Predator Management Research
U.S. Department of the Interior
Fish and Wildlife Service
Building 16, Denver Federal Center
Denver, Colorado 80225
U.S.A.

Dear Sam:

This will acknowledge your letter of January 15, 1981, enquiring about the status of the foot-snare trap.

The foot-snare traps are not available for distribution or sale at the present time. The latest estimate is that they should be on the market in March of this year. We will keep your letter on file and notify you as soon as they are available. We anticipate the cost to be between $5 - $5.50 per trap.

I am somewhat surprised to learn that Woodstream is testing the trap in Texas since we did not give them any traps. They must have made their own.

We would be pleased to have you field test the foot-snare on coyotes and bobcats since we do not seem to have the numbers that are found in some of the western States.

If you do have the opportunity to come to Ontario let me know and I'll make sure that the two trappers who tested the trap, now for three seasons, are available to talk to you.

Yours sincerely,

Milan Novak

Milan Novak
A/Supervisor
Central Wildlife Services Section
Wildlife Branch
Parliament Buildings
Toronto, Ontario M7A 1W3

MN:ac

February 13, 1981

Mr. Milan Novak, A/Supervisor
Central Wildlife Services Section
Wildlife Branch
Parliament Buildings
Toronto, Ontario M7A 1W3

Dear Milan:

Thanks very much for the most recent information on your snare trap. We will be looking forward to hearing that they are available so that we can run some field tests here in the West.

Sincerely,

Samuel B. Linhart, Acting Chief
Section of Predator Management Research

THE FOOT-SNARE AND THE LEG-HOLD TRAPS: A COMPARISON[1]

MILAN NOVAK, Fur Management Unit, Wildlife Branch, Ministry of Natural Resources, Whitney Block, Parliament Buildings, Toronto, Ontario, Canada M7A 1W3

ABSTRACT: A new foot-snare trap was compared with the leg-hold trap under actual field conditions by 2 experienced trappers. No differences were found between the 2 traps in: 1) frequency with which animals discharged randomly set traps; 2) capture rates, except for skunks that tended to be missed by the foot snare; and 3) escape rates. Two percent of the animals captured in foot snares sustained cut skins or worse injuries as compared with 52 percent captured in leg holds.

The leg-hold trap is a focus of the antitrapping movement around the world. Its major weaknesses are nonselectivity and a potential for mutilating animals, especially when used by inexperienced persons. In Ontario, problems have occurred when it was used for trapping foxes (Vulpes vulpes), coyotes (Canis latrans), wolves (C. lupus), coyote-dog hybrids, raccoons (Procyon lotor), and feral dogs (C. familiaris). The Ontario Ministry of Natural Resources began research in 1972 to improve traps and trapping methods for these and other species. Live traps had a distinct advantage over quick-killing traps from a humane, economic, and animal management point of view. They allowed greater selectivity in species, sex, and age group harvest. Thus, if a trapper, researcher, furbearer manager, or sheep farmer with a predation problem had a choice, it is my opinion that a live trap would be preferred over a quick-killing trap in almost all cases.

Once the decision was made to concentrate on live traps, the objective of the trap development program was to develop a light, inexpensive alternative to the leg-hold trap for trapping the above mentioned animals. Because of the success of the Aldrich Bear Snare, it was decided to work on the snare principle.

The leg-hold trap was invented sometime in the early Middle Ages to catch poachers, but the Egyptians had a working foot snare as early as 3000 B.C. (Lloyd 1963). Several patents have been granted for various foot-snare traps in North America and elsewhere. The purpose of this research was to compare 2 commonly used leg-hold traps with a new foot snare developed through the Ministry's trap research program. The objective was not to test the efficiency and humaneness of the various sizes, modifications, and makes of leg-hold traps.

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[1] Ontario Ministry of Natural Resources, Wildlife Branch Contribution 80-11.

MATERIALS AND METHODS

Two experienced trappers, Trapper A and B, each independently tested both the foot-snare and leg-hold traps (Figures 1, 2) from 27 August - 30 November 1978 and 24 May - 1 December 1979. Each trapper treated the foot snares himself and in the same way as the leg holds. Both traps were boiled in Gillett's lye to clean them, aired to oxidize and freshen them, treated with logwood crystals to blacken them, and waxed to prevent rusting. For experimental purposes, Trapper B did not blacken or wax his snares from 15 October - 1 December 1979 and occasionally prior to this period.

All trapping was done in southern Ontario on agricultural land. Both types of traps were used and set in the manner in which each trapper was accustomed. Both trappers used similar metal stakes to anchor the snares and leg holds. Before 15 October 1979, each trapper decided which trap he would use in a particular set location. However, from 15 October - 1 December 1979 the trappers chose the trapping site and then selected trap type randomly.

Traps were set mainly for foxes, but occasionally for coyotes. No effort was made to standardize the scent and bait used to attract these animals. Both trappers used various attractants consisting of pure fox or coyote urine, commercial fox scent preparation (Hawbaker's Wiley Red), and meat of sheep, groundhogs, hares, and cockerels. No attractant was used in trail sets.

Sets were categorized by method: 1) dirt hole, 2) trail, or 3) scent post sets; and by location. 1) sandy, or 2) clay soil. All traps were checked daily. Misses and escapes were determined by track and hair

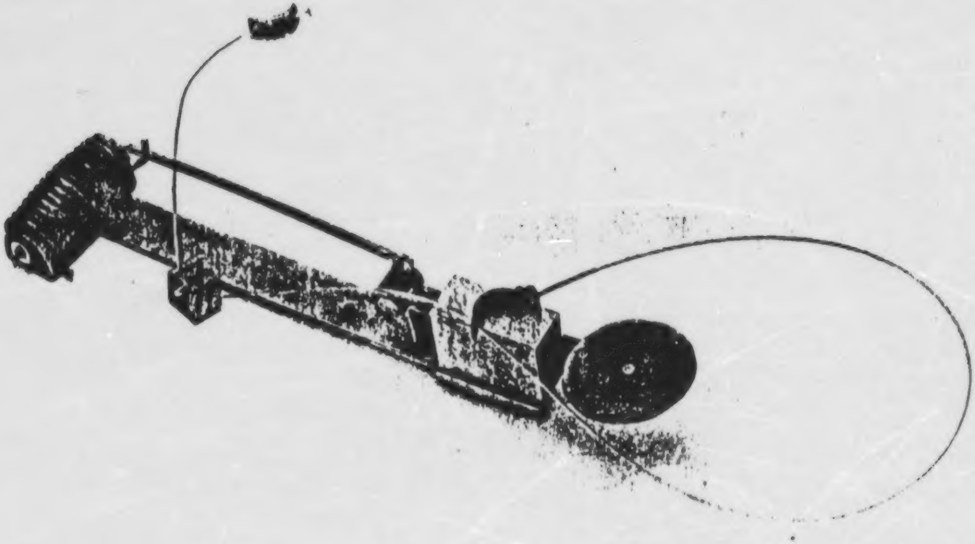

Figure 1. The new foot-snare live trap. [The snare is 76 cm (30 in) in total length. The loop cable is 62 cm (24 1/2 in) long. The galvanized airplane cables tested were 1.6 mm (1/16 in) and 2.4 mm (332 in) thick having a 7 x 7 and 7 x 19 weave, respectively. The breaking strengths of these cables were 218 kg (480 lb) and 417 kg (920 lb), respectively. One of the features of the specially designed lock is that it falls off the animal's leg if the animal escapes by chewing through or breaking the cable.]

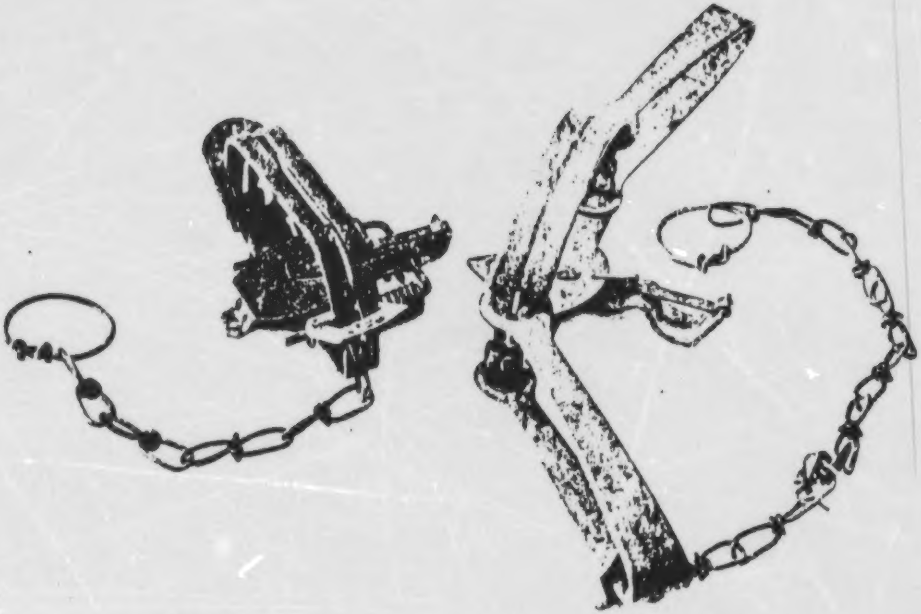

Figure 2. These were the traps and modifications recommended by experienced trappers as being the most commonly used traps in Ontario. [The #2 coil spring leg-hold trap (left) was the trap most commonly used in the field tests. The #4 long spring leg-hold trap was used infrequently in coyote sets. The welding on the inside of the trap jaws was intended to reduce wring-offs by keeping the jaws 3 - 4 mm open. This is shown here only on the #2 coil spring leg-hold trap. All leg-hold traps had the chains shortened to reduce the animal's lunges and minimize injuries.]

identification. During the 1st yr of trapping, the location of closure of the trap on the animal's leg was noted. Injuries were recorded as: 1) no injury, 2) skin rubbed and/or superficially scratched or nicked, 3) skin cut with flesh and/or tendons exposed, 4) tendons cut and/or bones broken, 5) chewed feet, and 6) wring-offs. Swelling in the entrapped foot was recorded as: 1) no noticeable swelling, 2) slight or minimal, 3) moderate, and 4) badly swollen. In the 4th category, toes and pads were greatly distended and the animal could not stand on the affected leg when released.

The capture rate gave the proportion of animals that were caught and held plus those that subsequently escaped from the total number of times the traps were discharged. The escape rate expressed the percentage of animals that were caught and held for a period of time but eventually escaped from the total number of captures plus escapes. Animals digging up traps were not used to calculate the capture rate. Animals stolen from traps were considered to be captured.

RESULTS

During the 2 yr of field testing, foot snares were set 3,407 trap nights and leg holds, 1,273 trap nights (Table 1). Two hundred twenty-seven animals were captured in foot snares and 101 in leg holds (Table 2). The fox capture rate was 89 percent for the foot snares and 85 percent for the leg holds. The trappers unnecessarily missed 4 - 6 foxes and some raccoons the 1st yr because the animals discharged the foot snares by stepping on the back part of the trigger arm and on the cable at the same time. This problem was solved by using a trigger guard (Figure 1) which allowed the trap to be released only if the animal was standing on the pan and, therefore, in the center of the snare.

The coyote and feral dog capture rates were 80 percent using foot snares and 89 percent using leg holds, but the sample was small for both traps (Table 2). Fifty-seven percent of all the raccoons setting off the foot snares were caught, whereas, 76 percent of those discharging the leg holds were captured. Twelve raccoons were missed in 2 foot snares located closely over a period of 16 nights. These traps were repeatedly discharged by a family of small raccoons. Excluding these cases, the

Table 1. Trap sets and set location. (Trap nights are shown in brackets.)

	Foot-snare			Leg-hold		
	1.6 mm	2.4 mm	Total	#2	#4	Total
Type of Set						
Dirt Hole	197(2,719)	25(177)	222(2,896)	54(950)	5(69)	59(1,019)
Trail	15(278)	1(2)	16(280)	12(191)	2(6)	14(197)
Scent Post	17(223)	2(8)	19(231)	5(57)	0	5(57)
Total	229(3,220)	28(187)	257(3,407)	71(1,198)	7(75)	78(1,273)
Trap Site						
Sand	175(2,606)	12(56)	187(2,662)	37(781)	3(34)	40(815)
Clay	54(614)	16(131)	70(745)	34(417)	4(41)	28(458)

adjusted raccoon capture rate was 63 percent for the foot snares. Two white-tailed deer were caught in snares and both escaped on their 1st jump. One deer stripped the knob of solder at the end of the wire and the other snapped the 1.6-mm cable. In the latter case the snare fell off the deer's leg within 5 m of the set.

There was no difference in the capture rates for canids and for the adjusted raccoon rates by foot-snare or leg-hold traps in the 2 yr of trap testing. A significant difference in capture rates was found for skunk. Only 34 percent of skunks discharging the foot snares were caught as opposed to 97 percent captured by leg holds (Table 2). This difference may be a function of how the foot snare was set rather than of the trap itself. Trapper A caught 10 of 11 raccoons and all 3 skunks discharging the snares during the random trap period in 1979. Trapper B caught only 10 of 13 raccoons and 2 of 9 skunks discharging the snares.

Of 1,157 trap nights during the random distribution period, foot snares were discharged 96 times or 0.08 discharges per trap night. Fifty leg holds were discharged in 761 trap nights or 0.07 per trap night. These

Table 2. Capture rates for foot-snare and leg-hold traps, 27 August - 30 November 1978 and 24 May - 1 December 1979.

	Number of Times Trap Discharged		Number of Captures Plus Escapes	
	Foot-snare	Leg-hold	Foot-snare	Leg-hold
Red Fox (*Vulpes vulpes*)	99	27	88(89%)[a]	23(85%)
Gray Fox (*Urocyon cinereoargenteus*)	1	-	1(100%)	-
Raccoon (*Procyon lotor*)	113	34	64(57%)	26(76%)
Coyote (*Canis latrans*)	8	2	8(100%)	1(50%)
Dog (*Canis familiaris*)	15	7	10(67%)	7(100%)
Coyote or Dog	2	-	2(100%)	-
Skunk (*Mephitis mephitis*)	47	36	16(34%)	35(97%)
Cat (*Felis catus*)	8	1	7(88%)	1(100%)
Porcupine (*Erethizon dorsatum*)	5	3	5(100%)	2(67%)
Groundhog (*Marmota monax*)	23	3	8(35%)	3(100%)
Hare (*Lepus capensis*)	5	1	1(20%)	1(100%)
Deer (*Odocoileus virginianus*)	3	-	2(67%)	-
Red Squirrel (*Tamiasciurus hudsonicus*)	1	-	0(0%)	-
Weasel (*Mustela erminea*)	-	1	-	1(100%)
Turkey Vulture (*Cathartes aura*)	1	-	1(100%)	-
Song Birds	3	-	0(0%)	-
Sheep	13	2	6(46%)	1(50%)
Cattle	9	-	0(0%)	-
Horse	6	-	0(0%)	-
Unknown	21	6	5(24%)	0(0%)
Total	383	123	227	101

[a] Capture rates in brackets.

foot snares were set in 51 different locations and the leg holds in 43 locations. There was no difference in trap discharges between the 2 trap types. The graph in Figure 3 used 20 foot-snare and 27 leg-hold sets of at least 10 trap nights set during the random distribution period. It showed a decline in the number of animals captured on the 10th as opposed to the 1st trap night. This rate of decline was similar for both traps.

Fourteen percent of the captured canids and raccoons escaped from the foot snares and 11 percent from the leg holds (Table 3). Trapper B accounted for the majority of the escapes: 6 of 7 cases of chewing through the cable and 18 of 26 cases of animals pulling out of or opening the snares. This may have been due to the fact that Trapper B did not blacken the snare wire, causing captured animals to bite the cable and the snare lock more often. Fourteen foxes and 6 raccoons captured by Trapper B bit the cable significantly more often than 8 foxes and 11 raccoons captured by Trapper A (an average of 6.2 and 3.8 times per cable, respectively, $p < 0.05$). Subsequent tests on captive foxes, raccoons, and coyotes that were placed in snares showed that these animals were attracted by shiny objects and, therefore, bit at the untreated airplane cable or even small silver nuts while in the snare.

Table 3. Escapes from foot-snare and leg-hold traps, 27 August - 30 November 1978 and 24 May - 1 December 1979.

	Foot-snare				Leg-hold	
	Chewed Through Cable	Pulled Out or Opened Snare	Solder/Nut Pulled or Chewed off	Snapped Cable	Pulled Out of Trap	Wring-off
Colored Fox	-	4	-	-	-	3
Raccoon	4	11	-	-	3	-
Coyote	-	1	1	-	-	-
Dog	-	1	1	-	-	-
Coyote or Dog	1	1	-	-	-	-
Skunk	-	2	-	-	-	-
Cat	-	1	-	-	-	-
Deer	-	-	1	1	-	-
Unknown	2	5	-	-	-	-

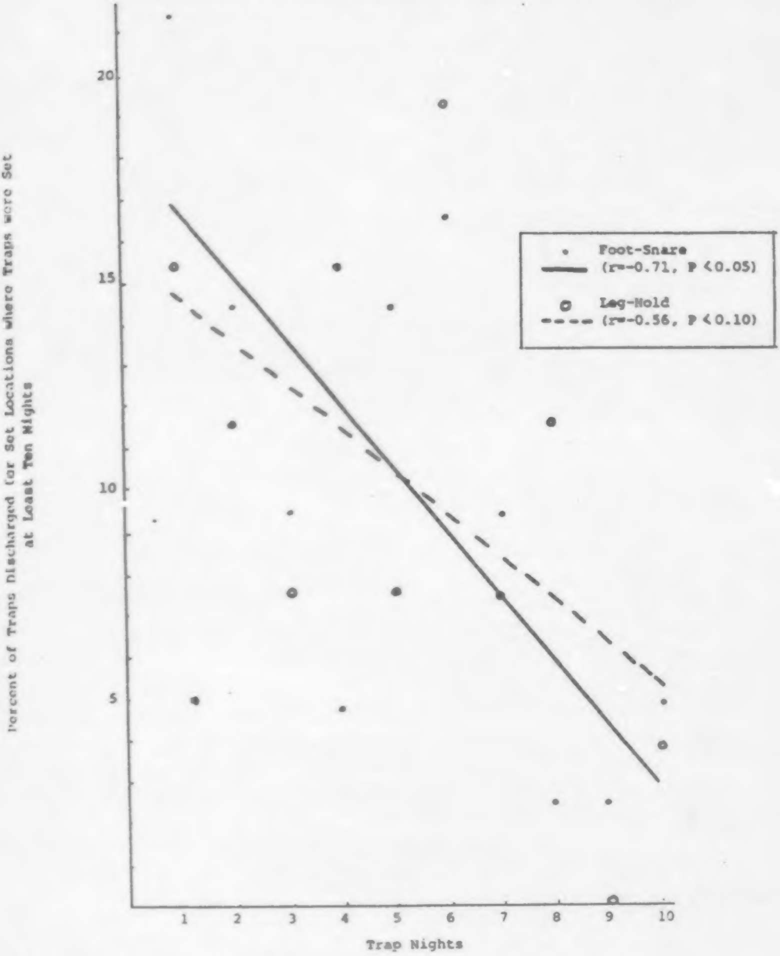

Figure 3. Trap discharge rate.

Tests to date on over 50 captive raccoons, 5 coyotes, and 10 dogs show that the snare lock and 1.6-mm cable fell off the animals' legs in less than 10 sec after the cable was cut, except for 1 raccoon that had the snare on for 8 min at which point the snare was removed. The 1.6-mm cable and snare lock did not come off 3 captive foxes after the cable was cut, but none of the captured foxes managed to bite through even the thinnest strand of cable. None of the wild caught animals (5 foxes, 3 raccoons, 5 coyotes, 4 dogs, and 1 skunk) chewed through the 2.4-mm cable.

There was considerable difference in the injuries caused by the 2 traps (Table 4). Ninety-eight percent of the animals captured in foot snares had either no marks or just rubbed skin or nicks on their legs as compared to 48 percent of animals caught in leg holds. There also seemed to be a difference in the results between the 2 trappers. In the 2 yr, 90 percent of all animals caught in the leg snare by Trapper A (who blackened his cable) had no marks on their legs, 9 percent had rubbed skin or nicks, and 1 animal had a broken carpal bone. Trapper B had only 64 percent of the captured animals with no marks, whereas, 32 percent had rubbed skins or nicks. In addition, 2 foxes had cut skins and 1 raccoon had partly chewed its foot after wrapping the cable very tightly around the trap. These results showed a significantly greater degree of struggling by animals caught in the foot snares by Trapper B - a supposition further supported by the greater number of bite marks on the wire. Though the equipment used by both trappers was identical, Trapper B's snares were not generally blackened. Excessive biting of the cable probably caused the 2 cases of cut skin recorded by Trapper B. Previous experiences with traditional snare locks showed that if the ensnared foot could rotate even slightly within the snare, it could result in cut skin or severed tendons. These traditional snare locks used copper crimps to attach the cable or plastic tubes to prevent the cable from closing too tightly on the animal's leg. Examination of the snare that had cut the skin of 1 of the foxes showed that the snare was kinked from being bitten and, consequently, was loose on the foot.

Animals caught in either foot snares or leg holds did not damage their teeth by biting on the traps. Englund (1979) found this to be a major problem in Sweden.

Table 4. Types of injuries[a] from foot-snare (F.S.) and leg-hold (L.H.) traps.

	No Marks		Rubbed Skin, Nicks		Cut Skin		Cut Tendons Broken Bones		Chewed Feet		Wring-off		Total	
	F.S.	L.H.	F.S.	L.H.	F.S.	L.H.	F.S.	L.H.	F.S.	L.H.	F.S.	L.H.	F.S.	L.H.
Red Fox	56	5	23	2	2	8	-	4	-	-	-	3	81	22
Gray Fox	-	-	-	-	-	-	1	-	-	-	-	-	1	0
Raccoon	40	11	8	3	-	3	-	5	1	-	-	-	49	22
Coyote	2	-	3	-	-	1	-	-	-	-	-	-	5	1
Dog	8	2	-	1	-	1	-	-	-	-	-	-	8	4
Skunk	12	12	-	1	-	2	-	1	-	14	-	-	12	30
Cat	6	-	-	-	-	-	-	1	-	-	-	-	6	1
Porcupine	5	2	-	-	-	-	-	-	-	-	-	-	5	2
Groundhog	8	1	-	1	-	-	-	1	-	-	-	-	8	3
Hare	1	-	-	-	-	-	-	1	-	-	-	-	1	1
Weasel	-	-	-	-	-	-	-	1	-	-	-	-	0	1
Turkey Vulture	1	-	-	-	-	-	-	-	-	-	-	-	1	0
Sheep	6	1	1	-	-	-	-	-	-	-	-	-	7	1
Total	145	34	35	8	2	15	1	14	1	14	0	3	184	88

[a] In a few cases, animals were stolen or injury data were not recorded.

The snare did not hold the leg as rigidly and tightly as the leg holds; as the snare was very light and flexible it was unlikely that there was continuous and excessive pain associated with it. The snare on the animal's leg weighed less than 5 g, whereas, the #2 and #4 leg holds weighed 540 g and 960 g, respectively. The foot-snare trap weighed 450 g, but fell free once the animal was caught in the snare.

The degree of swelling (due to blood constriction) caused by the 2 traps could not be compared readily since the leg-hold traps tended to cut the leg allowing blood and fluids to drain, thus reducing swelling. Seventy-eight percent of the animals captured in foot snares had no swelling, 21 percent had slight swelling, 1 percent had moderate swelling, and none had extensive swelling (Table 5). Again, there was a difference in the results for the 2 trappers using foot snares, with Trapper A's captures showing less swelling. This was attributed to the reduced amount of struggling of Trapper A's animals. For example, 80 percent of the foxes and 88 percent of the raccoons captured by Trapper A had no swelling in their paws. Only 60 percent of the foxes and 76 percent of the raccoons captured by Trapper B showed no swelling.

As part of the Ministry's Rabies Research Program, many of the foxes were leg-snare trapped, ear-tagged, and fitted with radio transmitters prior to release. This enabled us to observe how quickly the trap-related swelling subsided. Minimal and moderate swelling subsided as soon as the snare was removed. The worst case of swelling was encountered in an adult female fox. The swelling in the front paw took 2 - 3 hr to subside. Fifteen days later this animal was recaptured by a hind leg in a foot snare. The previously snared leg looked normal except for some rubbed hair.

The foot snares caught the animals higher on the leg than the leg holds. Eighty-seven percent of the animals were snared above the paws, whereas, only 34 percent were caught that high by the leg holds. Because of this, the snare may prove useful under deep and dry snow conditions. However, we have not tested it in deep snow, although we caught 1 fox when there was 10 cm of snow over the top of the trap.

Table 5. Swelling[a] caused by foot-snare (F.S.) and leg-hold (L.H.) traps.

	None		Slight		Moderate		Extensive		Total	
	F.S.	L.H.	F.S.	L.H.	F.S.	L.H.	F.S.	L.H.	F.S.	L.H.
Red Fox	55	9	25	4	1	2	-	1	81	16
Gray Fox	1	-	-	-	-	-	-	-	1	0
Raccoon	41	13	8	2	-	5	-	2	49	22
Coyote	2	-	3	1	-	-	-	-	5	1
Dog	7	2	1	2	-	-	-	-	8	4
Skunk	11	14	1	4	-	1	-	-	12	19
Cat	5	-	-	-	1	-	-	1	6	1
Porcupine	5	1	-	-	-	1	-	-	5	2
Groundhog	8	2	-	1	-	-	-	-	8	3
Hare	1	-	-	-	-	1	-	-	1	1
Weasel	-	1	-	-	-	-	-	-	0	1
Turkey Vulture	1	-	-	-	-	-	-	-	1	0
Sheep	7	1	-	-	-	-	-	-	7	1
Total	144	43	38	14	2	10	0	4	184	71

[a] In a few cases, animals were stolen or swelling data were not recorded.

Not enough animals were caught to permit comparisons between the 1.6-mm and 2.4-mm cable or between the #2 and #4 leg holds in captures, escapes and injury rates, swelling of the foot and among the 3 methods of setting the traps within the 2 soil types.

The trappers reported that the foot snare withstood rain better than the leg hold, which generally had to be reset after each rain. In light sand the leg hold tended to become exposed if it rained, whereas heavy clay frequently stuck to the jaws preventing the trap from closing. Frost had the same effect on the foot snares and leg holds. Both traps became inoperative when the ground froze and the animals could not depress the trigger.

To date we have not tested the foot snare in water sets. It is doubtful that the trap can be made to work in water, except perhaps under unique circumstances where animals such as otter are walking through shallow water. A potential exists for modifying this trap for catching large long-legged birds for research studies.

Problems could arise with the use of the foot snare in certain areas inhabited by deer or bear. Two additional safety release systems to avoid such captures have been designed for use with the foot snare in case the nuts did not give or the cable did not break. These ensure the release of captured animals that exert more than a predetermined force on the snare. The Ministry is testing the prototypes.

Field testing continues and emphasis is placed on learning how to trap after freeze-up and how to trap animals such as fisher (*Martes pennanti*) and lynx (*Lynx canadensis*). More field experience is needed in trapping coyotes with the foot snare.

SUMMARY

In summary, results to date have shown that the foot-snare is just as effective in capturing the intended furbearers as the leg-hold trap, but with a greatly reduced injury rate. Although the 2 trappers were initially skeptical of this new device, they eventually expressed preference for the foot-snare over the leg-hold trap because of the foot snare's comparable efficiency and greater humaneness.

Quick-killing traps may not be the desirable future fur management tool. They may also not be the solution to the humane trapping problem. In order for traps to kill or render the animal unconscious instantly, sufficient energy is required. This often means expensive, heavy traps that could be dangerous, both to people and to their pets. Also in considering specific management purposes, capture of nontarget species is a further problem. For example, a 220 or 330 Conibear set for beaver in a channel can also catch muskrat, mink, and otter, although it is known to kill these animals very quickly and improvements in the killing efficiency of these traps are on the drawing board. I believe that traps of the future will have to be humane, inexpensive, light, compact live traps.

The furbearing animal resource is not inexhaustible. I believe that trapper efficiency and numbers will continue to increase, exerting greater pressures on the furbearer resource, the habitat of some fur species may change adversely, and the impact of diseases and natural cycles will periodically cause reductions in numbers. Trapping legislation could well be directed at selectively harvesting juveniles of a specific sex and, for some species, exceptionally large (over mature) adults. Selective harvesting can be done now with varying degrees of efficiency and economy for marten, fisher, raccoon, and beaver using cage traps and with bears using the Aldrich snare. In muskrat and perhaps nutria harvesting, multiple catch traps (such as the funnel trap) will readily outcompete in most locations the single capture leg-hold or quick-killing trap. Therefore, to help ensure public acceptance of trapping and to allow optimal production, selective harvesting by age and sex must become the furbearer manager's goal; this can probably be achieved only through the use of live traps.

ACKNOWLEDGMENTS

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A COMPARISON OF INJURIES TO LEG-HOLD TRAPPED AND FOOT-SNARED RED FOXES

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Few published data concerning the incidence and extent of injuries to wild canids resulting from trapping activities are available. Casto and Presnall (1944) reported no broken bones for 9 coyotes (*Canis latrans*) taken in leg-hold traps. A 26% crippling rate due to leg-hold trapping was observed for red (*Vulpes vulpes*) and gray (*Urocyon cinereoargenteus*) foxes in Alabama (Atkeson 1956). Animals that pulled out of traps, escaped by wringing or gnawing off feet, or escaped with traps were considered crippled. In New York, less than 1% of the foxes captured in leg-hold traps with a hard plastic coating on the gripping surfaces showed signs of permanent physical injury (Parsons 1977). None of these studies mentioned dental injuries. The objective of my study was to compare injuries sustained to both teeth and legs by captured red foxes when trapped in unmodified leg-hold traps, leg-hold traps with plastic coverings, and a newly designed foot-snare.

MATERIALS AND METHODS

Foxes were captured using 3 trap types. These included Victor #2 and #3 double long spring leg-hold traps (The Woodstream Corp., Lititz, Pa.); the same leg-hold traps with both springs, both jaws, the chain and the wooden pole covered with a 2–3-mm-thick plastic tube; and a new type of foot-snare with nearly all external parts constructed of plastic (von Schantz 1979) (Nordic Sport AB, Kanalgatan 73, S-931 00 Skellefteå, Sweden).

The foot-snare consists of a pliable metal wire (1.7 mm diam.) sheathed in plastic and fastened to a coil spring which is completely enclosed in a plastic tube. The trigger plate has a metal frame covered by plastic and affixed to the back of the tube by plastic-coated soft steel wire. When a fox is captured, the trigger plate is released and falls at a distance of 1.5 m from the fox.

Cooperating trappers in northern Sweden used leg-hold traps and snares to capture foxes. Both the unmodified and plastic covered traps were used from December 1966 until March 1974, and the snares from December 1973 until April 1976.

The leg-hold traps and foot-snares were used only in winter and were always placed under the snow beneath old fox tracks. No bait or scent was used. Neither leg-hold traps nor snares were permanently fastened to a stake. Instead, a wooden pole approximately 1 m long and 3–5 cm in diameter was attached directly to foot-snares or to the chain on the back spring of the leg-hold trap by a 1–2-m long wire, 1.7 mm in diameter. The pole was attached to reduce the mobility of foxes. According to Swedish law, all traps had to be inspected at least twice each day with no less than 8 hours between successive visits. Although some trappers may have disregarded this legislation, few, if any, foxes remained in traps over 24 hours. Another regulation mandated that foxes caught in traps be shot from a distance of at least 30 m.

Trappers supplied the skulls and legs plus information on the date and location of capture, sex, weight, trap type, and which part of the plastic covered traps had

Table 1. Distribution of dental injuries and number of severely damaged teeth in red foxes captured in unmodified and modified leg-hold traps and in foot-snares during winter in northern Sweden.

Trap method	Extent of injury (%)				No. severely damaged teeth[a]			
	None	Small	Medium	Severe	$\bar{x}$	SE	N	Range
Unmodified leg-hold								
Age in years (*N*)								
<1 (645)	9	55	16	19^b	3.2^b	0.23	124	1–14
1 (258)	6	31	16	48^c	3.9^{bc}	0.29	124	1–16
>1 (471)	1	24	17	58^d	4.9^c	0.25	271	1–21
All ages (1,374)	6	40	16	38^e	4.2	0.16	519	1–21
Modified leg-hold								
Age in years (*N*)								
<1 (106)	33	50	10	7^b	3.3	1.46	7	1–11
1 (28)	7	54	11	29^c	3.1	1.13	8	1–10
>1 (20)	5	50	20	25^c	3.4	1.36	5	1–8
All ages (154)	25	51	12	13^f	3.3	0.72	20	1–11
Foot-snares								
Age in years (*N*)								
<1 (48)	67	21	13	0^b				
1 (45)	44	44	9	2^b	1.0		1	
>1 (30)	27	63	7	3^b	1.0		1	
All ages (123)	49	40	10	2^g	1.0		2	

[a] Among foxes with at least 1 severely damaged tooth.
[b–d] Age-class values with different superscripts in the same column and trap method differ ($P < 0.05$).
[e–g] All ages values for different trap methods with different superscripts differ ($P < 0.05$).

been chewed by foxes. They also recorded the distance each fox had traveled after capture and if the trap was entangled in vegetation, a fence, or if the fox was still traveling (dragging the trap) when overtaken.

Molars (M) and premolars (P) were examined for injuries, usually after boiling and cleaning the skulls. Foxes were classified in 4 groups: (1) those with no, (2) small, (3) medium, or (4) severe dental injuries. The number of severely damaged M- and P-teeth was also recorded. Small injuries were defined as those where only the tips of the teeth had been destroyed (≤2 mm), medium included foxes with 1 or more teeth broken or worn down nearly half way or more. If parts of the jaw were worn down, the injury was classified as severe. The number of severely damaged teeth refer to the number of sockets where the jaw had been damaged. Teeth damaged by gnawing were distinguished by their rounded surface as opposed to the splintered configuration of teeth damaged by projectiles in foxes shot by trappers.

The toes, feet, and legs of specimens which had not been skinned were examined for presence of galls (>1 mm^2) and to assess whether toes and limbs were out of joint or if any bones were broken.

Ages of foxes were classified by 1 or 2 techniques. Juveniles were distinguished from older animals by the incomplete fusion of the epiphyses of the long bones (Reilly and Curren 1961). Adults were placed into age-classes by counting the number of cementum layers in the canine teeth as described by Jensen and Nielsen (1968) but with small modifications (Englund 1970).

In most statistical analyses the χ^2 test was used. When comparing the mean number of severely damaged teeth, I used the Kolmogorov-Smirnov 2-sample test (Conover 1971).

RESULTS

A total of 1,651 foxes was examined. Of these 1,374 were taken in unmodified leg-hold traps, 154 in plastic covered leg-holds, and 123 in foot-snares. Approximately 90% of the foxes captured with leg-hold traps were caught with the Victor #2. No difference ($P > 0.05$) was found in the number or severity of injuries to males and females. Therefore, the data for both sexes were combined.

Dental Injuries

Unprotected Leg-hold Traps.—The frequency of foxes with severe dental injuries increased from 19% among juveniles to 58% among foxes older than 1 year (Table 1). The mean number of severely injured teeth increased slightly with age from 3.2 to 4.9. Overall, 38% of the foxes were severely injured with a mean of 4.2 damaged teeth per fox.

Modified Leg-hold Traps.—Foxes within age groups caught in modified leg-hold traps had approximately one-half the number of severe dental injuries as opposed to those taken in unmodified leg-holds (Table 1). There is a slight indication in the sample that the number of teeth worn down was reduced by the plastic cover, at least for old foxes. The foxes often chewed so hard on the plastic that the iron was uncovered. This happened in 39% of the cases to the front spring, which was closest to the head of the fox. Other parts of the traps were chewed to a much less extent (Table 2).

Foot-snares.—Only 2 foxes caught in foot-snares suffered severe dental injuries (Table 1). In both, only 1 tooth was worn into the jaw, but in 1 of these another 2 teeth were worn into the mucous membranes without affecting the jaws. Twelve snared foxes suffered medium injuries, but none of these had injured the mucous membranes, which was rather common in the corresponding group among the steel-trapped foxes.

Table 2. Distribution of damage done by red foxes on the plastic covering the parts of steel traps.

		Trap damage (%)		
Trap component	N*	None	Scratched or chewed	Iron uncovered
Front spring	131	24	37	39
Trap jaws	116	41	56	3
Back spring	136	33	63	4
Wire	133	65	27	8
Wooden stick	134	80	20	

* The number of observations varied due to incomplete trapper reports.

Foot and Leg Injuries

Thirty percent of the foxes caught in unmodified leg-hold traps had broken bones, in most cases the phalanges or metacarpals (Table 3). A higher percentage of the foxes taken in modified leg-hold traps had broken bones, but the difference was not significant ($P > 0.05$). In comparison, only 3 of 117 snared foxes had broken bones. One fox had a broken toe and a 2-cm^2 wound on the metacarpal bone. Another fox had lost the peripheral parts of 3 toes including the ultimate pads; the 3rd had a broken leg (ulna and radius).

DISCUSSION

The frequency and severity of dental injuries to red foxes trapped by leg-hold traps during winters in northern Sweden can be significantly reduced by covering parts of the traps with plastic. Injuries to feet and legs were not reduced by this modification. A material that can withstand chewing better than the plastic used in this study should further reduce dental

Table 3. Distribution of foot and leg injuries of red foxes captured in unmodified and modified leg-hold traps and foot-snares during winter in northern Sweden.

Trap type	N	Percent injured					
				Broken bones			
		None	Skin galls or disjointed toes	Phalanges	Metacarpals	Leg	All combined
Leg-hold							
Unmodified	115	61	9	15^a	17^a	2^a	30^a
Modified	28	36	21	25^a	14^a	4^a	43^a
Snare	117	83	15	2^b	0^b	1^a	3^b

^{a,b} Values with different superscripts in the same column differ ($P < 0.05$).

injuries. Almost all physical injuries of these types can be virtually eliminated through use of the plastic-covered foot-snare.

Traps and snares were not tethered in this study, permitting some foxes to move far from the capture site increasing the risk of losing them. In spite of the extra drag, 13% of 32 snared foxes and 17% of 198 captured with leg-hold traps moved more than 500 m from the place of capture; 3 moved more than 4 km. Therefore, snares (as well as leg-hold traps) should be tied to a pole or other object that reliably limits movements of captured foxes. Whether tethering would result in an increased incidence of injuries is not known. This seems improbable, however, as the 428 foxes captured with leg-hold traps that had become entangled after moving various distances from the place of capture were not more often injured than the other 108 foxes ($P > 0.05$).

Many foxes are caught in large baited traps or shot by hunters waiting at bait stations. Therefore, shy foxes probably survive longer than others. This may explain the increase in frequency as well as the extent of injury with increasing age of the foxes as these would react more intensely than less shy foxes.

Data in this study refer only to red foxes caught in winter with below freezing temperatures. During these conditions saliva freezes when the fox bites the metal. This pain may cause the fox to intensely chew the trap. The risk for serious injuries from steel-traps may be less when used in summers or at warmer latitudes. Leg-hold and foot-snare traps should be tested under other conditions than in this study as well as on other species.

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TRANQUILIZER TABS - ATTACHMENT 5

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TRANQUILIZER TABS FOR CAPTURING WILD CARNIVORES

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Abstract: A tranquilizer trap-tab using the drug "diazepam" has shown utility in reducing injuries to carnivores caught in steel traps and in preventing their escape. The tab consists of a cloth tablet wired to the trap jaw and containing 1 g of diazepam for coyotes (*Canis latrans*) and 500 mg for foxes (*Vulpes* sp.). Upon capture the animals usually chew the tab and ingest the drug. Ataxia follows in approximately 10–30 minutes, and struggling by the trapped animals is reduced. The effects usually last 24–48 hours, depending on the amount of diazepam consumed. This device was developed primarily for capturing animals unharmed for laboratory experiments, but it has additional applications in capturing animals for marking, in providing easy release of dogs or other pets, and in making steel trapping more humane.

The need for capturing adult coyotes in good condition for experimental use led to the development of a tranquilizer trap-tab to eliminate or reduce injuries incurred in steel trapping. The steel trap is one of the most efficient devices for capturing wild carnivores, but resulting injuries and trauma have limited its use primarily to fur harvest and control operations. Various other types of live traps have not proven effective in capturing adult coyotes and foxes. Modifications of steel traps such as padded jaws and springs inserted in the chains appear to be only partially effective in reducing injuries.

Observations indicate that the injuries are caused largely by the animals' struggles to escape or by their chewing the numbed appendage. Unless left in the trap too long, an animal that favors the trapped foot and does not struggle is seldom seriously injured.

The tranquilizer trap-tab is patterned after a strychnine trap-tab which has been used on occasion to kill animals captured in steel traps. The effectiveness of the new tab requires a tranquilizer that is fast-acting, long-lasting, has a wide range between effective and lethal dose, and reduces an animal's anxiety and struggling.

The drug "diazepam" was selected because of its relatively long-lasting action and its slight effect on motor functioning and the respiratory center (Ditman 1964). Extensive pharmacological and clinical studies indicate the drug has a relatively low order of toxicity (Randall et al. 1961).

I wish to acknowledge the valuable assistance given by fieldmen of the Division of Predator and Rodent Control in nine states who conducted many of the field trials, and to Wendell E. Dodge of the Denver Wildlife Research Center who originally suggested diazepam.

METHODS

Penned coyotes were given single oral doses of 480 mg, 720 mg, and 960 mg in their feed. The 720- and 960-mg levels were approximately one and one-half to two times as great as those recommended by Ditman (1964:108) for dogs. A large dose for coyotes seemed advisable because of the probability of incomplete ingestion of the tranquilizer, the additional stress of trapping, and the range in weights of the animals taken.

The tranquilizer trap-tab was constructed as follows:

1. We used a 2- × 2-inch square of semirotten cloth, which could be chewed easily. On this was spread a thin film of petroleum jelly which acted as a binding agent to hold the tranquilizer. The tabs were prepared in a cool room so that the petroleum jelly did not soak through the cloth and thus prevent the paraffin coating (to be applied later) from sticking. The desired amount of tranquilizer powder was measured with a spoon (⅓ a teaspoon equals approximately 1,060 mg or just over 1 g). If the powder is measured by approximating volume, calibration should be checked for each measuring device. The 1-g dose for coyotes and 500-mg dose for foxes was derived from trials. The tranquilizer powder was spread over the petroleum jelly; the edges of the cover were folded in; and the cloth rolled to form a tab about 1 inch long and ½ inch in diameter.
2. A 7-inch piece of 14- or 16-gauge wire was wrapped around the middle of the tab and secured with half a square knot, and two or three twists of the wire were added to elevate the tab slightly above the trap jaw.
3. The tab was dipped lightly several times in a melted mixture of 25 percent refined beeswax and 75 percent paraffin. Beeswax adds flexibility to the paraffin, prevents cracking and peeling, and protects the coating against disintegration caused by moisture.

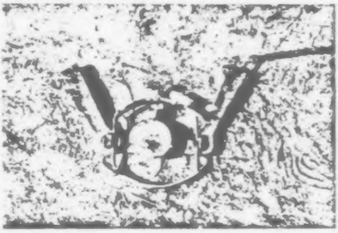

Fig. 1. Tranquilizer tab wired at proper position on trap jaw.

4. The tab was then wired to the top of the trap jaw nearest the *dog* slightly off center toward the chain (Fig. 1). In this position the tab will clear the dog when the trap is set and is readily available to the trapped animal.

The trap-tab was field-tested in the fall of 1962 and then was used in the springs of 1963 and 1964 to capture coyotes for laboratory experiments. During this period approximately 500 tabs, together with forms for recording data, were sent to personnel of the Division of Predator and Rodent Control in nine states (Arizona, Arkansas, California, Massachusetts, Minnesota, New Mexico, Oklahoma, South Dakota, and Virginia) for use in areas where a variety of carnivores might be caught and for reducing the escapement of trapped coyotes and foxes.

RESULTS

With wild penned coyotes (Table 1) symptoms of diazepam ingestion usually become evident in approximately 30 minutes, which agrees with data provided by Ratcliffe (1962:12). Symptoms were ataxia, salivation, lack of attention, drowsiness, incontinence, and reduction or absence of biting. While most of the tranquilized animals showed no inclination to bite,

Table 1. Duration of effect of diazepam on penned wild coyotes.

Coyote Number*	Dose Offered† (mg)	Dose Taken	Duration of Ataxia‡ (hours)
1	480	480	24
2	480	480	24
3	480	480	24
4	480	480	24
5	720	720	24
6	720	720	24
7	720	400	18
8	720	720	36
9	960	0	0
10	960	240	0
11	960	0	0
12	960	240	0
13	960	emesis	24
14	960	emesis	24
15	960	960	36
16	960	960	36

* Average weight of animals approximately 10 kg.
† Drug mixed in food or put in gelatin capsule in food.
‡ Observations made at 6-hour intervals.

a few continued to do so as long as they were conscious. Ataxia was evident up to 36 hours, with drowsiness and inattention lasting somewhat longer. In field trials where the drug is taken without human disturbance and is not administered in feed, the effects appear to be prolonged; under these conditions the animals often remain tranquilized for 2–3 days. In one instance an adult male coyote consumed a tab containing 2.5 g before being transported 800 miles by truck; the animal could not be aroused and succumbed after 5 days. The long-lasting effects are further illustrated by an experience reported by Ratcliffe (1962) wherein a white-tailed deer (*Odocoileus virginianus*) consumed slightly more than a gram of diazepam (60–80 mg/kg) and was affected for 96 hours.

The tests with penned coyotes suggest that animals trapped in the wild will remain tranquilized from shortly after capture until the traps are routinely visited 1–2 days later. In one of the initial field trials, 30 tabs (each containing 1 g of diazepam) were used; 17 coyotes were captured and only one failed to ingest the tab. None of the 16 tranquilized animals moved the trap drag more than 100 feet; several did not even pull the drag from its bed, indicating that their first reaction was to bite and chew the trap.

As shown in Table 2, the tabs also were effective in some degree in tranquilizing various numbers of foxes, skunks (*Mephitis mephitis*), domestic dogs, raccoons (*Procyon lotor*), opossums (*Didelphis virginiana*), badgers (*Taxidea taxus*), bobcats (*Lynx rufus*), and red wolves (*Canis niger*) either intentionally or inadvertently trapped while collecting animals for laboratory use or in field trials by Mammal Control Agents of the Division of Predator and Rodent Control.

DISCUSSION

The foregoing field trials were conducted with a variety of tabs, many of which were effective, but it was impossible to test one tab against another. Hence, results should be generally better if only the best tabs are used. The major malfunctions were largely mechanical, as follows:

1. Tabs breaking off before being chewed because the wire was brittle or was twisted too tightly.
2. Cloth too tough to be easily chewed, or rolled too tightly, preventing the animal from ingesting the dose.
3. In trials with oleomargarine as the binding agent, tabs had been stored for 6 months and none worked. Correspondence with the manufacturer indicated that the drug may break down in this medium. Oleomargarine also caused mice to dig down to the tab, exposing part of the trap and spoiling the set. Such odoriferous elements should not be used.

Table 2. Results of field trials with the tranquilizer trap-tab in Arizona, Arkansas, California, Massachusetts, Minnesota, New Mexico, Oklahoma, South Dakota, and Virginia.

SPECIES	NUMBER TRAPPED	DOSE IN TABS (MG)	NUMBER OF ANIMALS TAKING TAB	NUMBER OF ANIMALS TRANQUILIZED	NUMBER OF ANIMALS WITH SLIGHT OR NO FOOT DAMAGE	REMARKS
Coyote	40	750	36	32	25	1 dead
Fox	34	450	22	21	19	2 dead
Striped skunk	27	450	18	18	16	10 animals did not eject scent when destroyed or released
Dog	17	450	5	5	4	
Raccoon	10	450	6	5	5	1 dead
Opossum	9	450	6	5	3	1 dead
Badger	2	450	2	2	2	
Bobcat	2	450	1	1	1	
Red wolf	3	450	3	3	2	1 dead

Although the mechanical details can be corrected, there are a few individual animals of any species that apparently will not chew the tab. For this reason the device cannot be expected to be 100 percent effective.

Temperature may alter results. Although some of the trapped animals that died were killed by other animals, most were victims of heat. On days when the temperature was in the 90's, trapped animals, whether tranquilized or not, were often dead before noon. It is not known whether the tranquilizer potentiates the effect of heat, but it is suspected that death of a tranquilized animal from freezing may be hastened due to decreased mobility.

The reaction of different species varies considerably. For example, tame dogs are not as inclined to take the tabs as wild canines or aggressive dogs. Most of the tranquilized skunks did not eject their scent, which is a decided advantage in trapping.

Several trappers that tested the device indicated they had captured particularly troublesome coyotes by the toes. The animals had been causing serious livestock losses and probably would have escaped had they not been tranquilized.

The tabs are currently being used in an interesting way in Minnesota. Alan B. Sargeant, Animal Control Biologist, Division of Predator and Rodent Control, Cedar Creek Natural History Area, Bethel, Minnesota (Personal communication 1964), stated that the tab has been extremely helpful in capturing foxes without foot damage for a radio-tracking study. He suggested these modifications:

1. Materials used. Two strips of canvas (1 × 4 inches), a 6-inch piece of 14-gauge soft steel wire, a 1¼- × 2-inch piece of lightweight cloth, a lightweight rubber band, ½ g diazepam (for foxes), beeswax, and water.
2. Procedures. The two pieces of canvas are placed together and folded in the middle on the short axis. A small hole is punched through all four layers of canvas ¼ inch above the base. The wire is placed through this hole and twisted tightly. The canvas is dipped in water and ½ g of diazepam is placed on the four loose ends by *mopping it up* from a dish or tray. The excess water is squeezed from the canvas. The canvas is rolled lengthwise, wrapped with the small piece of cloth, and secured with a rubber band. The tab is then dipped in hot beeswax.

Another modification is to cover the tab prior to dipping with tinfoil instead of the cloth. The tinfoil is easily pulled off and the tranquilizer on the cloth strips is exposed to the animal. In this instance, a single wire is used to anchor the tab to the trap. The tab resembles a lollipop when completed. This type of tab works best for foxes but is not sufficiently durable for coyote trapping, particularly when drags are used. The tab described under Methods is recommended for trapping coyotes and Sargeant's modification for trapping foxes.

APPLICATIONS

The potential applications of this device are (1) taking unharmed animals for various purposes, (2) enabling easy release of recalcitrant dogs and reducing foot damage to valuable dogs and other pets, (3) helping prevent the escapement of trapped animals, and (4) making the steel trap more humane.

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THE STEEL LEG-HOLD TRAP: TECHNIQUES FOR REDUCING FOOT INJURY AND INCREASING SELECTIVITY

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ABSTRACT: Field tests were conducted from 1977 - 1980 to improve steel trap selectivity and reduce foot injury of trapped coyotes (Canis latrans). Up to 90 percent of coyotes taken in traps affixed with tranquilizing tabs containing propiopromazine HCl, or a mixture of propiopromazine HCl and chlordiazepoxide HCl, suffered little or no foot damage.

Traps with shortened chains, chains fastened to the trap base, or chains provided with a coil spring, did not reduce coyote foot injury.

Initial results from an ongoing field test of 2 trap pan tension devices are encouraging. A large percentage of gray (Urocyon cinereoargenteus) and swift foxes (Vulpes velox), striped skunks (Mephitis mephitis), opossums (Didelphis virginiana), jackrabbits (Lepus sp.), and other nontarget animals were excluded from traps affixed with these devices. Some coyotes were also excluded by the devices in some areas. However, since more traps remained functional for coyotes the net result appears to be an increase in trapping efficacy.

Lethal methods of controlling coyotes that kill livestock have come under increased public scrutiny in recent years. The steel leg-hold trap has been a special target of criticism because it frequently causes foot injury to captured animals and is less selective than several other means of control (Robinson 1943, Casto and Presnall 1944, Atkeson 1956, Beasom 1974, Berchielli and Tullar 1980). Public opposition to steel traps has resulted in passage of legislation in several eastern states partially or completely banning their use; the number of restrictive bills introduced at federal and state levels is increasing each year.

Davies, and George Teidman who did most of the trapping discussed in this paper.

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In many situations the steel trap is the only effective method for resolving a coyote depredations problem. It is 1 of the 2 primary control methods used by the U.S. Fish and Wildlife Service's Animal Damage Control (ADC) Program. For example, 37 percent of the total ADC coyote catch was taken by steel traps in 1976 (Evans and Pearson 1980).

Studies of modified steel traps by the Denver Wildlife Research Center began in 1962 when Balser (1965) tested a tranquilizer tab fastened to the jaw of steel traps as a means of capturing uninjured coyotes for use in research. This concept was derived from an earlier practice whereby some trappers attached strychnine tabs to their traps to kill captured animals (Moore 1946). Development of alternate central nervous system (CNS) depressants and types of trap tabs has been pursued intermittently since 1972, initially to capture coyotes for investigative studies and later on to assess their practicality as a management tool. More recently, we have initiated studies to evaluate simple mechanical modifications of the steel trap to reduce foot injury and for excluding the smaller non-target species. This paper reports our progress on the development and evaluation of trap tabs, modified steel traps, and trap pan tension devices.

TRAP TABS

Methods

Balser (1965) reported that 62 percent of coyotes taken in traps with diazepam (750 mg) tabs sustained little or no foot damage. However, this compound was made available only for research purposes and apparently will not be readily available in quantity and at a reasonable cost until the patent expires in 1981. A search for alternate orally effective CNS depressants has been pursued by our Center; the results of captive coyote studies have been reported by Savarie and Roberts (1979).

The field tests described in this report were conducted during fall, winter, and spring in south Texas, southcentral New Mexico, and northwestern Nevada from 1977 - 1980. Testing was restricted to periods of moderate temperature and none of the coyotes trapped died from exposure to extremes of heat or cold. Four biological technicians with extensive trapping experience trapped coyotes and collected the field data. Only information from subadult and adult coyotes was compiled. All coyotes were taken in 3-N long spring Victor steel traps with offset malleable jaws fastened to 91.0-cm (3-ft) chains staked to the ground. This trap is most frequently used by government trappers; obviously the use of different type or size traps, or traps with drags, would have resulted in variable data. Traps were checked daily, but for some tests coyotes were restrained for an additional day to determine trap tab efficacy over a 48-hr period. Field data were recorded on standard forms; during the latter portion of the study feet from dispatched coyotes were frozen and later examined in the laboratory to confirm field assessments as to the severity of damage. High coyote densities were the basis for selecting test areas. All traps were set for coyotes, thus too few data on other carnivores were obtained to permit analyses as to foot damage sustained and trap tab effectiveness. We conducted a total of 15 field tests over the 4-yr period. Of these, 2 tests documented coyote foot damage sustained in regular traps without tranquilizer tabs. The remainder served to assess the efficacy of various compounds, dose levels, and types of trap tabs. The number of coyotes captured per test ranged from 19 - 22.

Coyotes are normally trapped by 1 front foot and the jaws of the trap usually close across the paw. The paw frequently becomes swollen as a result of impaired circulation. Cuts commonly occur across the top of the paw and are inflicted as a result of struggles to escape. The severity of cuts will vary as to number, length, width, and depth. Assignment of such cuts into definitive categories such as slight, moderate, or severe is, therefore, difficult; they may range from a single very small abrasion or cut 1 or 2 mm in length that does not extend through the skin, to a single large, deep cut up to 3 cm extending across the entire upper surface of the paw exposing underlying tendons and bones, to several smaller linear cuts across the width of the paw. One or more of the latter may be sufficiently severe as to expose the bone or tendon. One or more bones within the paw may also be broken and can generally be detected by carefully flexing and feeling the paw. When initial attempts to categorize differing degrees of foot damage proved frustrating, we simplified our procedure by using the following classifications to characterize injury:

Slight or No Damage

A) No damage

B) Swollen foot

C) A small (< 0.5 cm), shallow puncture hole or cut through the skin and underlying tissue or fascia. If visible, no damage to tendon(s) or bone(s).

D) Cuts or skin abrasions larger than 0.5 cm but not extending through the skin, underlying tissue or fascia.

Moderate or Severe Damage

A) A large (>0.5 cm), deep cut through skin and underlying tissue or fascia. Tendon(s) and bone(s) exposed.

B) A series of 2 or more smaller (<0.5 cm) but deep cuts across the paw exposing tendon(s) or bone(s).

C) Cut tendons.

D) Broken bones.

E) Any coyotes found dead in traps due to an apparent overdose of CNS depressant.

Coyotes that sustained slight or no visible foot damage were assigned to an "acceptable" injury category; those with moderate or severe foot damage, broken bones, or that died from overdoses, were categorized as "unacceptably" injured. Other data were recorded to indicate trap tab efficacy but for various reasons were not considered satisfactory and, thus, are omitted from this report.

Trapping regulations vary from state to state; some require that traps be checked daily, others at 48-hr intervals, and several specify longer periods of time. We, therefore, sought to collect foot injury data from coyotes restrained in traps for about 24 and 48-hr time periods depending on the formulation and observations of captive coyote response to CNS depressants by Savarie and Roberts (1979). Because of the relatively short-term effects of orally administered drugs and the prolonged circulatory impairment caused by traps, we believe it impractical to reduce foot damage with trap tabs beyond about 48 hr.

We compared 4 different type trap tabs. All contained 600 mg of propiopromazine hydrochloride (HCl) and all coyotes in this phase of field trials were removed from traps daily and their feet checked for injury. The Dasch "A" tab was the 1st one devised and was, therefore, used for most of our field tests (Table 1). It was made by mixing a measured quantity of chemical into a petroleum jelly matrix or carrier. A known quantity of this mixture was placed on 1 corner of a 10 x 10-cm^2 of 4-ply cheesecloth. (In the finished tab this cloth serves to make the coyote shred the tab and, thus, ingest the drug and carrier mixture.) The corner of the cloth containing the mixture was then rolled diagonally to the opposite corner so as to form a loose cylinder. The 2 ends of the cylinder were then folded together and the upper portion containing the chemical and jelly was securely tied off with a 25-cm long piece of soft annealed 16-gauge wire. The ends of the wire were retained to later affix the tab to the trap jaw. Tabs were dipped twice in a mixture (50:50) of melted paraffin and unscented beeswax to protect them from moisture and to provide rigidity. The finished tab had the appearance of a lollipop (Figure 1).

The Stevensen tab differed somewhat in that old bed sheeting was used instead of cheesecloth, the volume of petroleum jelly was increased, a stainless steel braided wire was substituted, and the tab was protected by applying a coating of silicon rubber cement.

The Dasch "B" tab was made by mixing the chemical and petroleum jelly together and placing this mixture in a 50-cc syringe (less needle). The desired quantity of this mixture was injected into a small rubber balloon that was tied off and then rolled into cheesecloth and wired shut as described above. This procedure eliminated the need for protective coatings and facilitated making tabs.

All 3 of the above type tabs require considerable time to fabricate in quantity, a problem of concern to us should large-scale field use of trap tabs ever be considered. The McBride tab (Ranchers Supply, Box 725, Alpine, Texas 79830, patent pending) recently became available to us for evaluation. This consists of a hollow cylinder molded from rubber attached at a right angle to a slotted sleeve that can be fitted over the trap jaw and affixed in place with nylon lock straps or hog

Table 1. Coyote foot damage sustained in standard and trap tab-affixed 3-N Victor steel traps.

Trap Tab Formulation		Trap Tab Type	Approximate Time Left in Trap (hr)	Number Coyotes Taken
None (control)	(1)	-	24	21
Propiopromazine HCl (600 mg)	(2)	Stevensen	"	22
"	(3)	Dasch "A"	"	20
"	(4)	Dasch "B"	"	19
"	(5)	McBride	"	20
Propiopromazine HCl (200 mg)/ Reserpine (1.5 mg)/starch (398 mg)	(6)	Dasch "A"	"	22
None (control)	(7)	"	48	20
Propiopromazine HCl (200 mg)/ Reserpine (1.5 mg)/starch (398 mg)	(8)	"	"	20
Propiopromazine HCl (300 mg)/ Reserpine (1.5 mg)/starch (398 mg)	(9)	"	"	22
Propiopromazine HCl (300 mg)/ Reserpine (3.0 mg)/starch (398 mg)	(10)	"	"	20
Chlordiazepoxide HCl (750 mg)	(11)	Dasch "A"	"	20
Chlordiazepoxide HCl (1,125 mg)	(12)	"	"	21
Chlordiazepoxide HCl (750 mg)/ Propiopromazine HCl (25 mg)	(13)	"	"	20
Chlordiazepoxide HCl (1,125 mg)/ Propiopromazine HCl (25 mg)	(14)	"	"	21
Chlordiazepoxide HCl (1,500 mg)/ Propiopromazine HCl (25 mg)	(15)	"	"	20

Table 1. (Cont'd.).

Trap Tab Formulation	Trap Tab Type	Frequency of Occurrence				Percentage "Acceptable" Damage
		No Damage or Slight Cut(s)	Moderate or Severe Cut(s)	Broken Bone(s)	Dead from Overdose	
(1)[a]	-	3	16	2	-	14.3
(2)	Stevensen	18	4	0	0	81.8
(3)	Dasch "A"	15	5	0	0	75.0
(4)	Dasch "B"	17	2	0	0	89.5
(5)	McBride	17	3	0	0	85.0
(6)	Dasch "A"	13	8	1	0	59.1
(7)	"	2	14	4	-	10.0
(8)	"	11	7	2	0	55.0
(9)	"	6	11	3	2	27.3
(10)	Dasch "A"	10	8	0	2	50.0
(11)	"	7	13	0	0	35.0
(12)	"	6	10	4	1	28.6
(13)	"	8	10	2	0	40.0
(14)	"	15	6	0	0	71.4
(15)	"	13	5	1	1	65.0

[a] Number corresponds to trap tab formulation in 1st part of table.

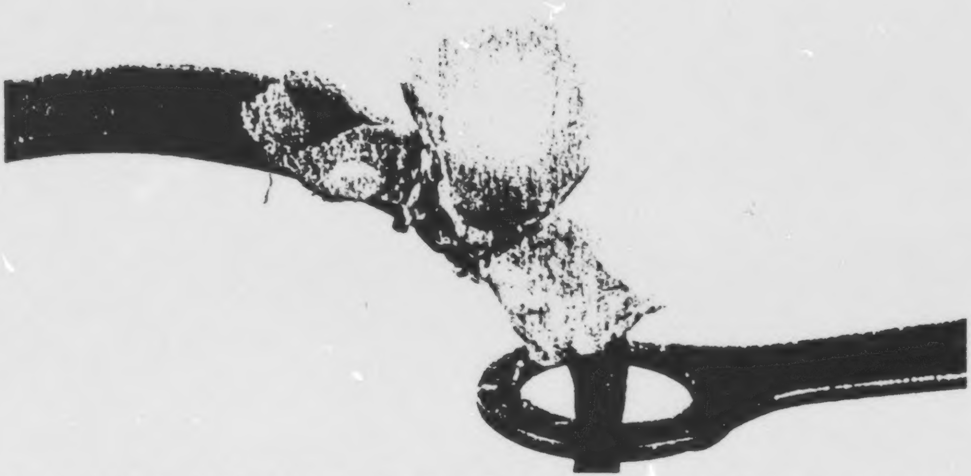

Figure 1. The Dasch "A" type trap tab used to evaluate efficacy for reducing coyote foot damage. (Mounted on jaw of 3-N Victor Steel trap.)

rings (Figure 2). We filled this device with 600 mg of propiopromazine dissolved in water and closed the top of the cylinder with a round plastic or cork disk that was then sealed with silicon rubber cement.

All 4 types of tabs were fastened to the jaw located on the dog side of the trap. However, the Stevensen tab was placed toward the end of the jaw nearer the chain; whereas, the other 3 types were affixed to the end of the jaw more distant from the point of chain attachment.

In addition to testing 4 types of trap tabs, we also evaluated 10 different drug formulations or dose levels (Table 1). Although initial tests of propiopromazine HCl were encouraging, earlier laboratory studies of captive coyotes by Savarie and Roberts (1979) showed that this compound resulted in CNS depression for only about 24 hr. Various combinations and dose levels of chlordiazepoxide HCl, reserpine, and propiopromazine HCl were, therefore, field tested to assess their efficacy over a longer period of time.

Results

Coyotes taken in traps without tabs sustained a high frequency of foot damage. Of those checked daily only 14.3 percent had slight or no damage. Injury to coyotes left in traps for an additional day sustained about the same level of damage (Table 1). The 4 types of trap tabs evaluated resulted in about the same percentage reduction of foot damage when tested with 600 mg of propiopromazine HCl and when coyotes were removed from traps daily. However, the Dasch "B" tab was easier to make and for research purposes is probably the best tab when limited numbers are required. For quantity production, the McBride tab is by far the best choice although it is still in the development stage. One problem to be solved is an easy and rapid method of sealing the top. An inherent limitation of its present configuration is its limited capacity. Drugs requiring 1,000 - 1,500-mg dose levels cannot be contained within this tab. A larger version will result in a greater surface area and might possibly slow the action of the sprung trap to the point where coyotes will be missed. We hope these minor problems can be resolved as research and development progress because the use of multi-cavity molds for fabrication make mass production feasible.

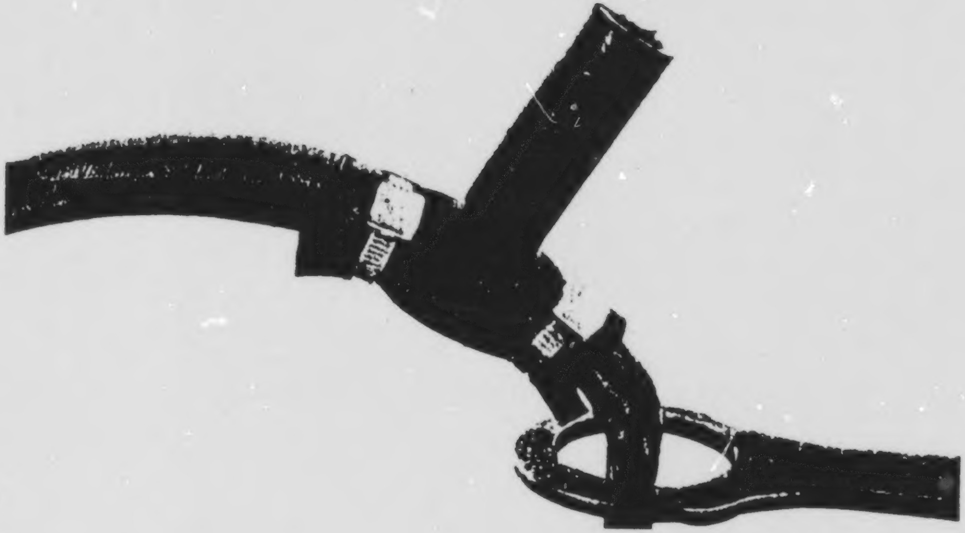

Figure 2. The molded rubber McBride trap tab. (Mounted on jaw of 3-N Victor Steel trap.)

Of the 8 formulations tested for prolonged efficacy, the propiopromazine/reserpine and the chlordiazepoxide formulations did not provide good results regardless of dose levels; several coyotes died from overdoses. The best formulation was a combination of chlordiazepoxide (1,125 mg) and propiopromazine (25 mg). This formulation resulted in 71.4 percent of the coyotes sustaining little or no visible foot damage and a 61.4 percent reduction in injury as compared with the control group. The chlordiazepoxide/propiopromazine tab, if drugs were purchased in bulk lots, would cost about $0.20 (U.S.) per tab; for the 600 mg propiopromazine tab the cost would be about $0.48 (U.S.). Although additional development and evaluation of CNS depressants and trap tabs are needed, results so far show that this technique can significantly reduce the foot damage of coyotes taken in steel traps.

MODIFIED STEEL TRAPS

Methods

Suggestions from several sources prompted us to conduct a field test to determine if simple trap chain modifications would reduce coyote foot damage. Three-N staked Victor traps were used and all coyotes were trapped in south Texas. The test consisted of comparing the severity of foot damage sustained in traps with standard 91.0-cm (3-ft) chains with identical traps modified as follows:

1) Trap chain shortened to 30.5 cm (12 in).
2) Trap chain shortened to 30.5 cm and fastened to center of trap base.
3) Coiled spring fastened between regular 91.0-cm chain and trap stake. Spring specifications: .23-cm (.092-in) music wire, 1.91-cm OD and 15.2 cm long between hooks (.750 x 6 in), with 54 active springs, 3.2 kg (7 lb) required to stretch spring 2.54 cm (1 in).

The above modifications were intended to reduce the lunging distance of trapped coyotes, to position the chain so coyotes would pull on the trap at a right rather than oblique angle to the jaws, or to cushion lunges by struggling animals. Field evaluation was conducted in a manner identical to our trap tab tests. Four groups of 20 - 21 adult coyotes each were trapped in spring 1979. All traps were checked daily, the feet of coyotes were examined and the extent of foot injury was categorized as either "acceptable" or "unacceptable" according to the criteria listed earlier.

Results

Neither shortening the trap chain, shortening the chain and affixing it to the base of the trap, nor adding a coiled spring resulted in less foot damage overall (Table 2). The addition of a spring might have reduced the frequency of broken bones, but small sample sizes made this conclusion tenuous and the occurrence of moderate or severe cuts was not reduced.

Table 2. Coyote foot damage sustained in standard and trap chain-modified 3-N Victor steel traps.

		Frequency of Occurrence			
Trap Modification	Number Coyote Taken	No Damage or Slight Cut(s)	Moderate or Severe Cut(s)	Broken Bones	Percentage "Acceptable" Damage
None (Control)	21	5	9	7	23.8
Short Chain	20	2	13	5	10.0
Short Chain on Trap Base	21	0	16	5	0.0
Coil Spring on Chain	21	4	16	1	19.0

TRAP PAN TENSION DEVICES

Methods

Pan tension devices have been used for many years to reduce the capture of non-target species. Sticks, forked twigs, springs, and sponges placed under the trap pan have apparently been somewhat effective but no data as to their efficacy have been published. At the request of the Services' ADC Program we recently initiated cooperative field tests to evaluate 2 different tension devices. Non-target exclusion and coyote capture rates for device-equipped traps were compared with unmodified 3-N Victor traps. One device is an improved version of leaf springs developed long ago by both the Biological Survey and the Woodstream Corporation, the latter a major trap manufacturer in the United States. It was designed by a Service employee (A. Armistead, ADC District Supervisor, 10304 Canuelaria, N.E., Albuquerque, New Mexico 87112) and consists of a curved and tempered steel leaf spring (1.4 x 7.5 cm) that clamps to the base of the trap beneath the pan. The spring angles upward and the free end rests against the underside of the pan when the trap is set (Figure 3). The spring resists downward movement of the pan until about 2.0 kg (4.5 lb) of pressure is applied. As this device is made of spring steel, its tensile strength is less prone to metal fatigue than earlier models and the pressure required to spring the trap remains more constant over time. When attached to the 3-N Victor trap, a notch must be filed in the trigger of the pan shank to accommodate the modified beveled end of the dog. Traps having this device were always set with a pan "cover" cut from aluminum window screen. The "cover" was slipped between the free end of the spring and the underside of the pan. As with the normal canvas pan cover, it served to keep the space beneath the pan free of dirt and pebbles.

The 2nd type tension device under test functions on a shear pin principle. It was invented by M-Y Enterprises (220 Lincoln Street, Homer City, Pennsylvania 15748, patent pending) and is apparently unlike any tension device previously developed. Standard traps are modified by replacing both the regular trap pan and dog. The replacement dog has a small hole in the tip and the attached end of the pan has a matching oval slot. When the trap is set the hole and slot are aligned and a thin wire or "pin" is inserted through both holes. The pan and dog slide upon each other when the pan is depressed and the wire is sheared releasing the dog holding down the trap jaw (Figure 4). The amount of force required to trip the pan can be adjusted by inserting wires of different diameters. For our field tests we are using a wire with a shear force of about 2.0 kg (4.5 lb). Conversion kits to modify different types and sizes of leg-hold traps are available from the manufacturer.

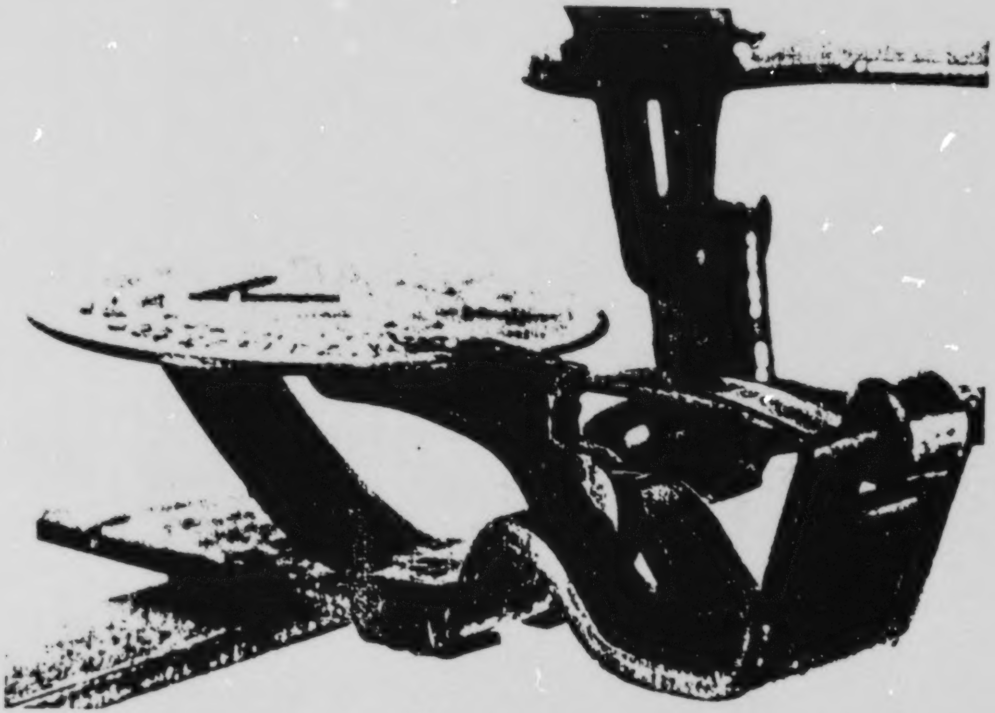

Figure 3. The Armistead leaf spring pan tension device.

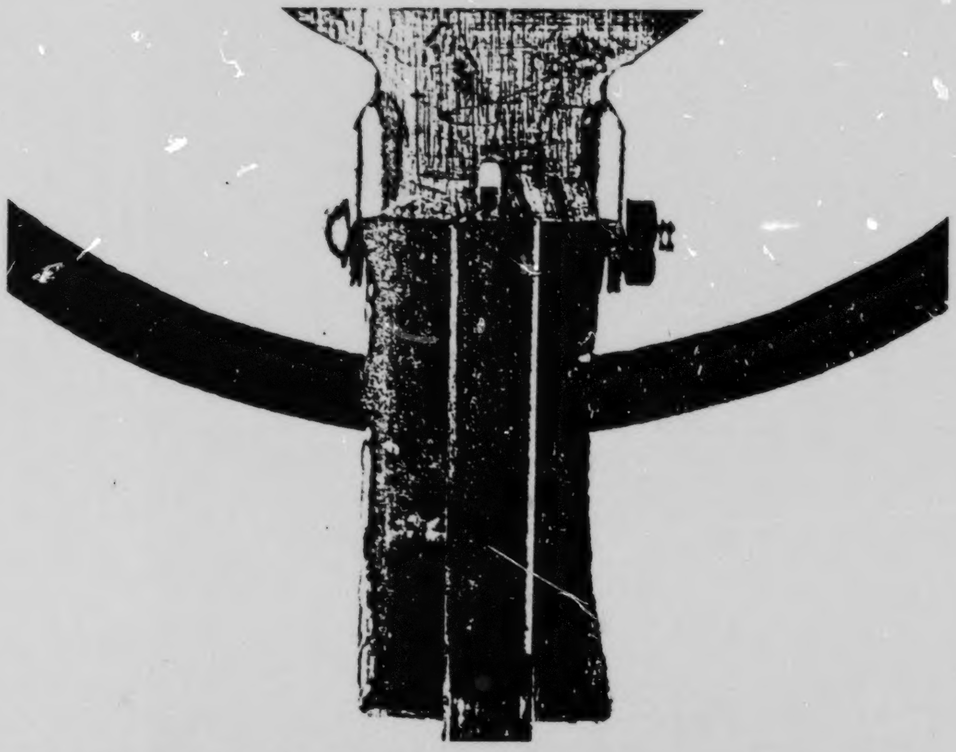

Figure 4. The shear pin device showing details of toggle hole in dog pan slot and shear wire placement.

Ten experienced Service predator damage control specialists in 5 western states (California, New Mexico, Oregon, Texas, and Utah) are currently testing the devices by setting trap lines with equal numbers of unmodified, leaf spring, and shear pin-equipped traps. All traps are being checked daily since identification of animal tracks at trap sets is critical to the study. Data are being collected on the capture rates of coyotes visiting trap sets and on the percentage of selected non-target species excluded. To insure adequate sampling of such species as jackrabbits, skunks, and gray fox, traps are being set in areas where these species are known to be numercus. No deliberate efforts are being made to sample animals such as badgers and porcupines whose adult weights may approximate that of coyotes; obviously, devices tensioned for coyotes will not exclude such species.

Results

Less than half our data is collected and tabulated, but so far results are encouraging. It is premature to "second guess" the final results of this study, but assuming present trends continue, it appears that both tension device-equipped traps may, on the average, exclude nearly 90 percent of the gray fox, swift fox, striped skunks, opossums, and jackrabbits as compared with an average of 24 percent exclusion rate for standard traps. In addition to these species, a variety of other furbearers, large rodents, and birds (including raptors) were excluded at greater rates by the device-equipped traps. Coyote capture rates may be slightly reduced by use of these devices, but since the take of nontarget animals is greatly reduced and trap sets remain undisturbed for coyotes, the net result should be increased trap effectiveness for coyotes. Results obtained so far have varied considerably between trappers and states. We suspect that such variance is due either to differences in trapping methods, variations in weather, or because each individual trapper modified his traps for the Armistead leaf spring device in a home workshop. The latter situation could be remedied for the leaf spring by making more precise pan trigger and dog modifications at a central location employing precision grinders, jigs or templates, and quality control. Suggestions from the field for minor improvements will have to be evaluated, modifications made if needed, and further field trials conducted; but at this time we believe that pan tension devices offer promise as a means of making the steel trap more selective.

DISCUSSION

Few other carnivores were taken during our trap tab field tests, but on several occasions we found that tabs intended for coyotes and containing 600 mg of propiopromazine HCl killed striped skunks and red foxes. This was not surprising considering the weight differences among the 3 species. Dose levels must, therefore, be adjusted according to the weight and susceptability of the principal species being trapped. It seems unlikely that an orally effective and readily available CNS depressant will be found with sufficient margin of safety that a single dose trap tab could be used for all species commonly taken in steel traps. Furthermore, some animals will not consume tabs and efficacy will also most likely vary according to trap type, size, and whether a stake or drag is used. Thus, like most techniques, this one is not a panacea; nonetheless, is useful for reducing severe foot injury to low levels.

We tried an alternate method of administering CNS depressants by placing M-44 devices loaded with a dye marker (rather than toxicant) just within reach of trapped coyotes. Two field trials produced very poor results; few captured coyotes pulled the devices. This approach was abandoned, but other methods of administration may possibly come to light in the future.

Federal control of CNS depressants falls under the jurisdiction of the U.S. Food and Drug Administration and trap tabs must, therefore, be registered with that agency before being used in the field. Compliance with state drug control regulations must also be met.

Steel traps with modified chains did not reduce foot damage, but other trap alterations may have more potential. Researchers have jury-rigged padded trap jaws to reduce foot injury and padded jaw traps are now being evaluated by at least 1 commercial manufacturer. We think that research efforts in this area should be intensified so long as objectives include maintaining the current efficacy of existing steel traps. Mechanically modified traps would have the advantage of bypassing all the regulatory requirements associated with drug use and would probably be more economical. We believe that the potential of mechanically modified traps for reducing foot damage should be thoroughly explored before registration of CNS depressants is contemplated.

The results of our pan tension device tests are encouraging so far, but further study is needed, especially to learn how well they function under diverse weather and climatic conditions. One alternate approach we have not yet explored is the use of an effective pan tension device in combination with trap tabs containing a toxicant selective for canids. Assuming social acceptability, this procedure might be the most humane tactic.

In conclusion, 1 thing seems certain: over 70 percent of the U.S. population now live in urban areas and certain factions of this public are exerting pressures to make use of the steel trap more restrictive. For this reason, research to improve its humaneness and selectivity should, therefore, be vigorously pursued.

ACKNOWLEDGMENTS

We thank A. Kriwox, J. Till, and W. Wagner who collected much of the trap tab and modified trap field data. R. McBride and W. Stevensen provided trap tabs for evaluation and gave advice and assistance. R. Burns, R. Griffiths, and W. Stevensen conducted pen tests; R. Felton, J. Roberts, and P. Savarie provided laboratory support and B. Johns took the photographs. We also thank A. Armistead, E. Medvetz, and R. Yandrick who devised the pan tension devices and offered many suggestions and helpful advice. Field personnel of the FWS Animal Damage Control Program were responsible for evaluating the pan tension devices and their conscientious efforts are greatly appreciated.

More detailed instructions for fabricating trap tabs and modifying steel traps are available from the Denver Wildlife Research Center. Use of commercial products does not imply endorsement by the U.S. Government.

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UNITED STATES GOVERNMENT

Memorandum

TO : Gary Dasch, Don Hawthorne, Norm Johnson, Chuck Tinsley, Frank Turkowski

DATE: January 16, 1981

FROM : Sam Linhart, Denver Wildlife Research Center

SUBJECT: Pilot field test of lethal trap tabs

Based on discussions with Section and ADC staff last fall, it was decided to conduct a pilot study in Winter 1981 to evaluate lethal trap tabs as a means of destroying animals taken in steel leghold traps set for coyotes. The following describes the objectives and procedures for conducting this test.

Rationale. The development of and research on tranquilizer trap tabs has been based on the earlier operational use of strychnine trap tabs to destroy captured animals. Strychnine trap tabs were used by trappers for many years in the western U.S., Australia and possibly other countries. Past DWRC research has shown that tranquilizer trap tabs will significantly reduce foot damage of captured coyotes but several problems are inherent in this approach. Perhaps those most important are (1) dosages adequate to tranquilize coyotes are lethal for smaller species, (2) operational use would require registration by FDA, and (3) the cost of such tabs will be approximately 25 - 50¢ each depending on the drugs used. Not all coyotes consume tabs; thus 100 percent efficacy will never be achieved. A second approach for reducing foot damage and thus making the steel trap more humane is the use of steel traps with padded jaws. DWRC efforts to develop and/or refine tranquilizer tabs and padded traps will continue, but a third alternative approach is simply to exclude as many nontarget species as possible with pan tension devices and to destroy all other animals taken in traps by the use of a lethal tab. The latter approach was endorsed by ADC at a meeting held in Albuquerque in November.

Since we are not certain that the approach described below will provide positive results, and as total time required for pilot field tests will involve only 3 - 4 weeks, no formal study plan has been prepared. If results are encouraging, then a formal study plan for field work will be written and an EUP application will be submitted to EPA to permit a more extensive assessment in FY-82. The two candidate toxicants have never been used in lethal trap tabs, thus "pesticidal value" is unknown. We therefore are undertaking pilot field tests without an EUP as such an exemption is permitted under EPA regulations.

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Candidate Toxicants. It appears very unlikely that any application for EPA registration of strychnine would be approved. Therefore, two alternate toxicants, sodium cyanide (NaCN) and para-aminopropiophenone (PAPP), will be assessed for efficacy in trap tabs. NaCN, because it is currently registered for use in the M-44 device, should be relatively easy to register for trap tab use. NaCN has the advantage of being quick acting but its major disadvantage is a repellent odor and taste. Because of this, coyotes attacking lambs wearing NaCN collars released their hold on the lambs as soon as collars were punctured. However, animals taken in traps having NaCN tabs may not show repellency to NaCN as they are under extreme stress. Pilot field tests should indicate if such a problem exists. PAPP has the advantage of being selective for canids, but when formulated in tallow or meat baits causes emesis in a high percent of surviving animals. The PAPP formulation to be used in the lethal tab is not expected to cause emesis, but a field test is needed to determine this. The attached appendix details the formulations and concentrations of NaCN and PAPP that will be evaluated. Rubber trap tabs (see attached photo) will contain approximately 3-4 coyote LD-100's of PAPP and 6-10 of NaCN.

Methods. Equal numbers of rubber trap tabs containing NaCN and PAPP have been prepared. NaCN tabs are color-coded with red plastic. 3N Victor stake traps will be used. The technician (Gary Dasch) running the test will set out two separate trap lines. PAPP tabs will be affixed to all traps on one line; on the second line traps will hold NaCN tabs. Traps will be set for coyotes and run daily. Capture of all species will be recorded and animal condition will be indicated as dead, sick or alive. A copy of the data sheet to be used is attached. Ten coyotes will be taken on each line and the percent that consume and are killed by each type tab will be recorded. Based on these results, a decision will then be made as to whether a second field test will be conducted later on in the winter. If neither tab produces a high percent of coyote kills, alternate toxicants will be considered. It is doubtful that pilot tests will provide adequate data on species other than coyotes. Efficacy for other species will have to be assessed at a later date.

Location. This test will be conducted in south Texas on private lands behind locked gates. All gates will be posted with a sign in English and Spanish warning that traps containing experimental toxicants are being tested by the U.S. Fish and Wildlife Service and that children, pets and other domestic animals be kept away. Trap tabs will be kept in a locked box for security. The initial pilot test will be conducted from about January 23 through February 10. Depending upon results, a second field trial to increase sample size to 20 coyotes per treatment will be conducted in late February and early March.

Concurrent with the above pilot test, the technician will also be evaluating 3N Victor traps with prototype padded jaws. These traps will be set out on a third trap line. Ten coyotes will be trapped and the extent of foot damage documented in a manner identical to earlier field tests, as indicated on the attached data form. The extent of foot damage will be compared with that of control coyotes (i.e., taken in standard leghold 3N traps). If results of this initial assessment prove promising, an additional 10 coyotes will be trapped later on in the winter so as to provide a sample size of 20. Unfavorable results will require development of an alternative padding material.

Sam Linhart

Attachments
cc: Savarie
Director's Office

Formulation of sodium cyanide (NaCN) and para-aminopropiophenone (PAPP) for trap rubber nipple field tests by Gary Dasch, Texas, January 1981

NaCN - 500 mg/ml

50 g (50,000 mg) NaCN placed in 90 ml tap water and then sonicated until the NaCN dissolved. Then 10 ml of propylene glycol (PG) added to bring the volume to 100 ml. The PG appears to make the crystals of NaCN finer when precipitation occurs at room temperature. And when the NaCN-water-PG is cooled below freezing, the mixture becomes like slush.

$\frac{50{,}000 \text{ mg}}{100 \text{ ml}}$ = 500 mg/ml. This is a supersaturated solution and will precipitate out at room temperature.

One (1) ml of this 500 mg/ml NaCN placed in each rubber nipple. Each nipple containes 500 mg NaCN.

PAPP - 500 mg/ml

20 g (20,000 mg) PAPP qs to 40 ml with propylene glycol and then placed in sonicator.

$\frac{20{,}000 \text{ mg}}{40 \text{ ml}}$ = 500 mg/ml. This is a thick suspension.

One (1) ml of this 500 mg/ml PAPP placed in each rubber nipple via syringe and 18 gauge feeding tube. Each nipple contains 500 mg PAPP.

Approximate LD-100 for NaCN = 7 mg/kg
Approximate LD-100 for PAPP = 15 mg/kg

P. Savarie
January 16, 1981

PADDED TRAP FIELD TESTS

Investigator:____________________ County & State:________________________

Date animal found in trap:________________ : _____AM _____PM

Date trapped animal checked:________________ : _____AM _____PM

24 hr. check:____________ 48 hr. check:________________

Trap # Location of Trap Size & Make:__________________

Stake:__________ Drag:__________

Trap tab used: Yes____ No____ Color of tab:_______ Contents of tab:___________

Scent used:___________________________ Weather conditions:______________

Low night temperature:__________ High day time temperature:_________

If Animal Escaped From Trap, Complete the Following:

Species if known:_______________ Pull out:_____ Twist off:_____ Turned loose:________

Part of foot remaining in trap:__________ [redacted]

If Animal Captured in Trap, Complete the Following:

Age Group (circle)

Animal No.:_______ Species:_____________ Sex:____ Weight:_______ AD - JUV - PUP

Animal condition: Dead_____ Alive_____ Sick______ Diarrhea present: Yes___ No___

Animal saved for additional research: Yes_____ No_____ Cage No.:________

General appearance of animal: Poor_____ Fair_____ Good______ Other________

Injury to head area: Mouth cut__________ Teeth broken_________ Lips cut________

Damage to leg or foot: None_______ Swelling_________ Slight cut________

Moderate cut_______ Severe cut_________ Broken bones________

Is foot chewed: Yes____ No____ Is blood present on foot: Yes_____ No_____

Evidence of struggle in trap: None_______ Little_________ Much__________

~~[illegible] the following: Tab appeared to be ½ consumed_____ [illegible]_____.~~

~~consumed______. [illegible] consumed______ [illegible] the amount consumed____~~

~~ction of animal while being obse[illegible] 20 feet: Laying _____ Standing____~~

~~king________ Jumping____ [illegible] fighting trap____~~

~~animal [illegible] your approach? Yes_____ No_____ Easy [illegible] No_____~~

neral Remarks: (Include all information you think important)

---

egree of Tranquilization:

) -- Down and out (Animal laying down and asleep, unable to get up.)

-- Down (Animal is down, but not asleep, raises head when approached.)

-- Able to get up (Standing, but not steady)

-- No tranquilization apparent

er Condition:

-- Clear

-- Cloudy

-- Rain

-- Snow

PADDED TRAP INFORMATION

ortion of pad pulled or chewed off:

id pad(s) roll on jaw(s) of trap?

id adhesive fail to hold pad on trap?

f animal pulled out of trap explain probable reason, if known:

TOXIC TRAP TAB FIELD TESTS

Investigator ____________________ County & State ____________________________
Date animal found in trap __________ : ________ a.m. ________ p.m.
Date trapped animal checked _________ : ________ a.m. ________ p.m.
24 hr. check __________ 48 hr. check __________
Trap No. Location of Trap ____________ Size & Make ____________________________
Stake ______________ Drag ____ ______
Trap tab used: Yes _____ No _____ Color of tab: ________ Contents of tab __________
Scent used: ______________________________ Weather conditions: ____________*
Low night temperature ____________ High daytime temperature __________________

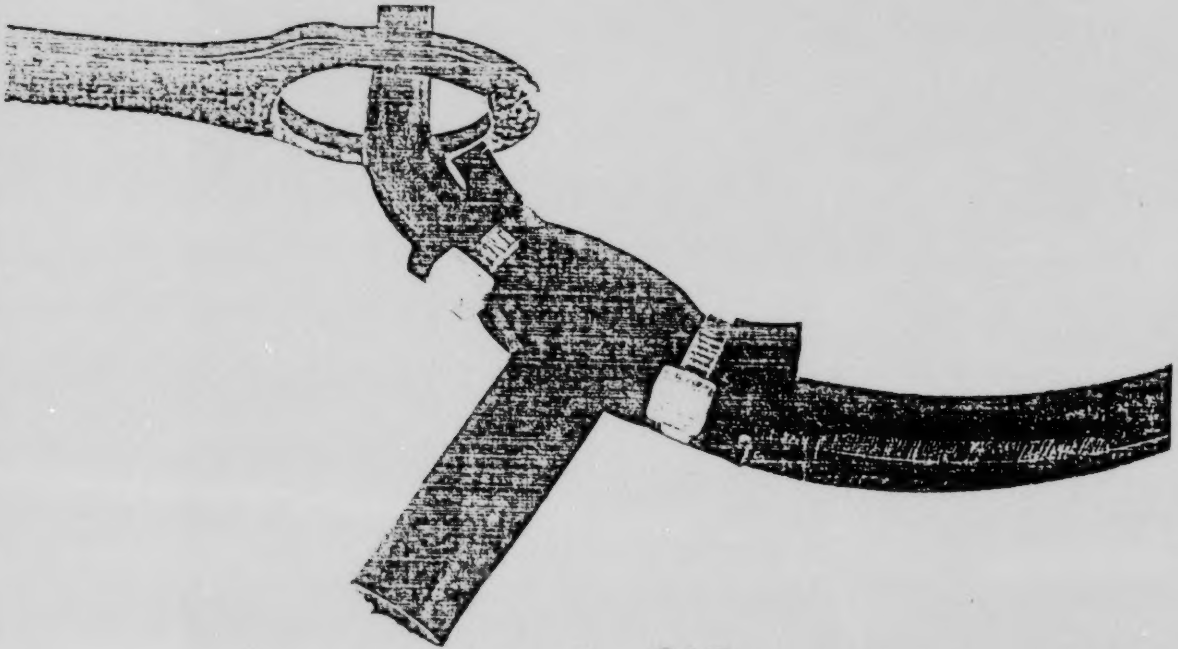
If animal escaped from trap, complete the following:
Species if known _______________ Pull out _______ Twist off _______ Turned Loose _______
Part of foot remaining in trap ____________. Is tab intact on trap? Yes ____ No ____

If animal captured in trap, complete the following:
Animal No. ____ Species ___________ Sex ___ Weight ____ Age Group (circle) AD JUV PUP
Animal condition: Dead ____ Alive ____ Sick ______ Emesis: Yes ______ No__________
Animal saved for additional research: Yes ____ No _____ Cage No. ________________
General appearance of animal: Poor _____ Fair ______ Good ______ Other ____ ________

Evidence of struggle in trap: None _____ Little _______ Much ____________________
Condition of tab: Untouched, still on trap ____. After searching trap site for portions of tab, complete the following: Tab appeared to be 1/4 consumed _____ 1/2 consumed, 3/4 consumed _____, completely consumed ______, unable to determine amt. consumed ______

General Remarks (Include all information you think important):

* Weather condition
1 - Clear
2 - Cloudy
3 - Rain
4 - Snow



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MISCELLANEOUS - ATTACHMENT 6

TRAP RESEARCH BY FISH AND WILDLIFE SERVICE

I AM PLEASED TO BE HERE TODAY TO PARTICIPATE ON THIS PANEL ON "TRAPPING: ETHICS, MANAGEMENT AND ECONOMICS." MY PREVIOUS EXPERIENCE AS STATE DIRECTOR OF FISH AND WILDLIFE IN ARIZONA HAS MADE ME FULLY AWARE OF THE PUBLIC ISSUES INVOLVED IN THE USE OF TRAPS FOR THE FUR TRADE AND FOR THE NECESSARY CONTROL OF SOME PREDATORY ANIMALS. THE FISH AND WILDIFE SERVICE HAS A KEEN INTEREST THROUGH ITS RESEARCH PROGRAM TO DEVELOP TRAPS AND METHODS OF TRAPPING THAT WILL REDUCE TO THE MINIMUM THE TRAP TRAUMA INVOLVED IN CAPTURING THE TARGET SPECIES, AS WELL AS METHODS TO EXCLUDE TO THE GREATEST EXTENT POSSIBLE THE TAKING OF NONTARGET SPECIES.

* * *

TRAPS ARE THE PRIMARY MEANS BY WHICH THIS NATION'S FURBEARERS ARE HARVESTED AND THEIR CONTINUED USE IS VITAL TO THE FUR TRAPPER AND THE FUR INDUSTRY. TRAPS ARE ALSO AN IMPORTANT TOOL FOR CAPTURING CARNIVORES AND OTHER MAMMALS THAT CAUSE ECONOMIC LOSSES TO LIVESTOCK PRODUCERS, DAMAGE AGRICULURAL CROPS, OR TRANSMIT DISEASES SUCH AS RABIES. THEY ARE FREQUENTLY THE ONLY MEANS OF EFFECTIVELY DEALING WITH THESE PROBLEMS AND THE FISH AND WILDLIFE SERVICE RELIES HEAVILY ON THEIR USE, BOTH FOR CONDUCTING ANIMAL DAMAGE CONTROL ACTIVITIES AND FOR CARRYING OUT RESEARCH.

Remarks by Robert Jantzen, Director, U.S. Fish and Wildlife Service, Department of the Interior, at the Annual Meeting of the Humane Society of the United States, Boston, Massachusetts, November 5, 1982.

I WANT TO BE STRAIGHT FORWARD WITH YOU TODAY IN A REPORT ON THESE RESEARCH ACTIVITIES. TO DO SO I WILL GO INTO SOME DETAIL ON THE MECHANICAL AND DRUG ASPECTS OF THIS EFFORT TO CARRY OUT OUR OBJECTIVES AS STATED EARLIER.

PRIOR TO THAT, HOWEVER, I WOULD LIKE TO BRIEFLY HIGHLIGHT THE SERVICE'S POSITIONS ON AND USES OF TRAPPING PROGRAMS ON ITS REFUGES.

IT HAS BEEN ESSENTIAL FOR MANY YEARS FOR THE FISH AND WILDLIFE SERVICE TO CARRY OUT EXTENSIVE FURBEARER MANAGEMENT EFFORTS, INCLUDING TRAPPING, ON A NUMBER OF OUR NATIONAL WILDLIFE REFUGES. RECENTLY, THE SERVICE HAS RESPONDED IN PROVIDING DETAILED INFORMATION ON THESE ACTIVITIES TO YOUR ORGANIZATION.

SOME OF THE MOST VISIBLE MANAGEMENT PROGRAMS ARE ASSOCIATED WITH SEMIAQUATIC FURBEARERS -- MUSKRAT, NUTRIA, AND BEAVER. MUSKRATS PRESENT A VERY GOOD EXAMPLE OF WHY ONGOING VIGILANCE AND MANAGEMENT ARE REQUIRED. WHILE MUSKRATS ARE VERY BENEFICIAL PARTS OF THE WETLAND COMMUNITY, HELPING TO CREATE AND MAINTAIN OPEN WATER AREAS IN DENSE STANDS OF MARSH VEGETATION, THEY ARE CAPABLE OF SHARP POPULATION INCREASES AND EQUALLY DRASTIC DECREASES WHICH CAN SEVERELY ALTER MANAGEMENT EFFORTS FOR OTHER SPECIES WITHIN THE REFUGE.

THE "BOOM-BUST" SITUATIONS IN AND OF THEMSELVES ARE NOT THE OVERRIDING CONCERN OF THE MANAGEMENT EFFORTS. RATHER, IT IS MINIMIZATION OF THE EXTENSIVE HABITAT DAMAGE THAT CAN OCCUR DURING THOSE BOOM CYCLES. DIKES AND WATER CONTROL STRUCTURES CAN BE UNDERMINED AND WASHED OUT; EROSION CAN INCREASE AND THE FISH AND WILDLIFE SERVICE (AND, IN EFFECT, THE GENERAL PUBLIC) IS THUS FACED WITH A VERY, VERY EXPENSIVE TASK OF MARSH RE-CREATION. THUS, IT IS SOUND BIOLOGY, GOOD ECONOMY, AND GOOD MANAGEMENT TO MAINTAIN SELECTIVE FURBEARER CONTROL EFFORTS ON MANY OF THE REFUGES.

FREQUENTLY, IT IS BENEFICIAL TO ENCOURAGE PRIVATE TRAPPING EFFORTS ON SOME SERVICE LANDS. THIS OCCURS MOST COMMONLY WHEN THE MAGNITUDE OF THE FURBEARER OVERPOPULATION EXCEEDS THE SERVICE'S STAFF CAPABILITIES TO CARRY OUT CONTROL PROGRAMS AND WHERE COMMERCIAL HARVEST IS IN ACCORDANCE WITH OVERALL MANAGEMENT OBJECTIVES OF THE SERVICE FACILITY. TRAPPING BY THE PUBLIC IS ALSO CONSIDERED A VALID ECONOMIC USE OF RENEWABLE REFUGE RESOURCES FOR MANY OF THE WILDLIFE REFUGES.

The Fish and Wildlife Service opposes and has opposed in the past, efforts that would remove from State management prerogatives any species of wildlife except in those situations where migratory birds or endangered species may be involved -- even then cooperation and involvement by the States is necessary. The Service has long recognized that States have both the authority and the capability to manage resident wildlife with the State.

Regarding Service trapping efforts on refuge lands and other facilities, we work in close cooperation with the State wildlife agency. In those instances when the Service opens a refuge area for trapping, it is required that each applicant be properly licensed by the State before a trapping permit can be issued. Moreover, the Service is a strong advocate of State trapper education programs.

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TRAPPING AND FURBEARER HARVEST ON OR NEAR SERVICE REFUGES FREQUENTLY REPRESENTS NOT ONLY A VALID OUTDOOR USE OF AN ABUNDANT RENEWABLE RESOURCE, IT ALSO SERVES TO AUGMENT LOCAL ECONOMIES. DETAILED, DIRECT PELT COUNTS ARE REQUIRED FOR MOST REFUGES THAT HAVE TRAPPING PROGRAMS. IN A VERY FEW INSTANCES WHERE REFUGES AND THEIR TRAPPING PROGRAMS ARE OF GREAT EXTENT, STATISTICAL SAMPLES AND ESTIMATES ARE SUBSTITUTED FOR INDIVIDUAL TALLIES. WHILE THE SERVICE CAN PROVIDE AN ACCOUNTING OF RECEIPTS IT RECEIVES FROM TRAPPERS AND/OR TRAPPING PROGRAMS; AND WHILE IT CAN PRODUCE STATISTICALLY RELIABLE ESTIMATES FOR THE NUMBER OF PELTS HARVESTED FROM THE REFUGE SYSTEM EACH YEAR, THE SERVICE DOES NOT ATTEMPT TO AFFIX OR PROJECT ANY KIND OF TOTAL DOLLAR VALUE TO WHAT THESE PELTS ARE WORTH. AGAIN, MUCH OF THIS INFORMATION HAS BEEN FURNISHED TO YOUR ORGANIZATION FROM OUR REGIONAL OFFICES.

WITH THIS PERSPECTIVE ON SERVICE TRAPPING NEEDS ESTABLISHED, WE CAN FOCUS NOW ON OUR INVOLVEMENT IN TRAP RESEARCH AND METHODOLOGY.

Prior to 1977, only limited systematic research on capture devices was conducted by the Fish and Wildlife Service. However, from that time on our activities increased. From 1977 to 1980 our Denver Wildlife Research Center conducted investigations in the laboratory and field to develop and evaluate the use of "tranquilizer tabs" to reduce foot injury sustained by trapped coyotes.

These tabs, made of cloth or neoprene rubber, and fastened to the jaw of the traps, contained a central nervous system depressant to reduce the struggling and associated trauma of captured animals that consumed them. A number of compounds and dose levels were tested on captive coyotes to determine their effects and the duration of action. Eleven different drug formulations or dose levels and four different types of tabs were field-tested in south Texas, New Mexico, and Nevada by experienced Federal trapper-technicians.

Twenty or more coyotes were examined for each test to ensure that the results obtained were representative. These animals were left in traps for approximately 24 or 48 hours. Foot injury of coyotes taken in 3-N Victor long-spring traps affixed with tranquilizer tabs was then compared with injuries sustained in traps without tabs.

The results of these test showed that foot injury could be reduced almost 75 percent using Tranvet or a combination of Librium and Tranvet. Or, in other words, about 85 percent of the coyotes taken in tab-equipped traps and held for 24 to 48 hours sustained little or no foot injury. The Service's Animal Damage Control program is primarily involved in reducing livestock losses to coyotes and therefore our tests focused on this species.

Although the results of our study were impressive, this approach has several drawbacks. We know that tranquilizer doses effective for coyotes may kill some smaller carnivores such as skunks and foxes because of the differences in their body weights. Doses must therefore be adjusted for the target species.

Another shortcoming is that trap tabs are not always consumed by all species. Trapped bobcats, for example, frequently leave tabs untouched. Finally, use of central nervous system depressants for this purpose falls under the jurisdiction of the U.S. Food and Drug Administration. Federal registration and compliance with all State drug control regulations would have to be met in order to use them operationally.

Development and field evaluation of padded jaw traps began at our Denver Center in fall 1980. Initial assessment with respect to the capture of coyotes should be completed by next summer. Prototype padded traps showing promise will then be provided to a limited number of predator damage control specialists located in different areas of the West for more extensive evaluation.

So far, seven different types of trap pads have been field tested using the same procedures as those described for tranquilizers. Foot injury sustained by coyotes in padded-jaw traps is being compared with that found in unpadded models.

A prototype No. 3 double coil-spring trap with offset padded jaws provided by the Woodstream Corporation has significantly reduced injury. Seventeen of 20 coyotes or 85 percent left in this trap for about 48 hours sustained little or no foot injury. A long-spring No. 3 trap having offset jaws with Woodstream pads, and another type of pad developed for us under contract, have given protection to 70 percent of captured coyotes.

WE ARE QUITE ENCOURAGED SO FAR WITH THE RESULTS OF THESE INITIAL TESTS AS EFFECTIVENESS IS APPROACHING THE SAME LEVEL AS WAS ATTAINED WITH TRANQUILIZERS TABS. PADDED JAW TRAPS, IF PROVEN EFFECTIVE OPERATIONALLY, WOULD ELIMINATE THE PROBLEM OF OVERDOSES OF TRANQUILIZERS TO SMALLER SPECIES AND THE NEED FOR COSTLY FEDERAL DRUG REGISTRATION.

I SHOULD POINT OUT THAT, WHILE OUR BIOLOGISTS ARE USING THE COYOTES AS THE INITIAL TEST SPECIES, CAPTURE TECHNIQUES THAT PROVE EFFECTIVE, SAFE AND ECONOMICAL WILL LATER BE EVALUATED FOR TAKING SEVERAL OTHER CARNIVORES.

IN THIS REGARD, WORK ON VARIOUS TRAPS AND SNARES HAS BEEN CONDUCTED AT THE ALABAMA AND MISSISSIPPI COOPERATIVE FISHERIES AND WILDLIFE RESEARCH UNITS. TESTS OF CONIBEARS, SNARES AND PADDED JAW TRAPS FOR THE CAPTURE OF BEAVER, RACCOONS AND OTHER SPECIES HAVE PROVIDED NEW DATA ON SELECTIVE AND HUMANE MEANS OF CAPTURE.

THE POWER LEG SNARE RECENTLY DEVELOPED IN CANADA HAS RECEIVED CONSIDERABLE ATTENTION. BASED ON THE DATA WE HAVE SEEN, OUR BIOLOGISTS CONCUR WITH THE INTERNATINAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES FUR RESOURCES COMMITTEE THAT MORE INFORMATION NEEDS TO BE COLLECTED TO ASSESS ITS EFFICACY, ADVANTAGES AND LIMITATIONS. THE DENVER CENTER MADE AN ATTEMPT TO DEVELOP A POWER LEG SNARE BUT THE FINAL PROTOTYPE WAS UNACCEPTABLY COMPLICATED AND COSTLY.

OUR RESEARCH BIOLOGISTS BELIEVE THAT TOP PRIORITY SHOULD BE GIVEN TO THE MODIFICATION OF EXISTING TRAPS AS A MEANS OF REDUCING FOOT INJURIES. IF THESE EFFORTS FAIL, THEN CONSIDERATION WILL BE GIVEN TO THE DEVELOPMENT OF ALTERNATE CAPTURE DEVICES BY THE SERVICE'S RESEARCH AND DEVELOPMENT PROGRAM.

ANOTHER STUDY RECENTLY COMPLETED BY THE DENVER CENTER HAS RESULTED IN THE POTENTIAL FOR GREATLY INCREASING THE SELECTIVITY AND, IN MANY CASES, THE EFFECTIVENESS OF LEGHOLD TRAPS SET FOR COYOTES.

TRAP SELECTIVITY CAN BE INCREASED BY LOCATING THEM IN AREAS OR HABITAT FREQUENTED ONLY BY COYOTES OR OTHER TARGET SPECIES. EXPERIENCED TRAPPERS ARE THUS ABLE TO AVOID ACCIDENTALLY CAPTURING MANY NONTARGET ANIMALS BY CAREFULLY SELECTING TRAP LOCATIONS. HOWEVER, EVEN WITH CARE AND EXPERIENCE, ACCIDENTAL CAPTURE OF NONTARGET SPECIES, PARTICULARLY WHERE THEY ARE ABUNDANT, SOMETIMES OCCURS.

One means of excluding smaller animals from traps is to regulate the amount of force necessary to depress the trap pan and spring the trap. Ways of doing this, in the past, have included placing pliable sticks, twigs, and various springs, wires or sponges under the trap pan. Most or all have limitations and until recently no one had either attempted to improve upon their design or to determine what percent of nontarget animals were excluded.

In 1980 and 1981, the Denver Wildlife Research Center, in cooperation with the Service's Animal Damage Control Program, conducted field tests of three trap pan tension devices in California, New Mexico, Oregon, Texas, and Utah.

One of the devices we tested was a steel leaf-spring clamped to the base of the trap. The second was a length of spring steel tape placed between the trap posts. Both were positioned under the trap pan in such a way as to require 4 to 5 pounds of force before animals stepping on the trap pan depressed it far enough to spring the trap.

The third tension device required a similar pressure before it sheared a copper wire that released the trap jaws. Device-equipped No. 3-N Victor offset jaw traps and identical traps without devices were exposed for over 12,000 trap-nights over the 2-year study period.

Information regarding the capture rates of coyotes and the exclusion rates of nontarget animals were recorded. Rates from traps with and without tension devices were then compared. Since it was impractical to collect exclusion-rate information on all nontarget animals, we selected gray foxes, kit foxes, striped skunks, opossums and jackrabbits as representative species. An exclusion rate was defined as the percent of animals that stepped on the trap pan but did not spring the trap. This was determined by animal tracks left in sifted dirt circles surrounding the traps.

There was very little differnce in the performance of the three pan tension devices tested. In 1981, they excluded from 92 to 100 percent of all the nontarget species mentioned above, whereas traps without these devices excluded only 6 percent. Coyote capture rates for the tension device-equipped traps vary from 86 to 92 percent. The rate for traps without devices was 98 percent.

THE PAN TENSION DEVICES THEREFORE NOT ONLY GREATLY REDUCED THE NUMBER OF NONTARGET ANIMALS TAKEN BUT, BY EXCLUDING THEM, LEFT MANY ADDITIONAL TRAPS OPERABLE FOR TAKING COYOTES. WHILE PRIVATE FUR TRAPPERS OFTEN SEEK TO CAPTURE OTHER FURBEARERS ALONG WITH COYOTES, ANIMAL DAMAGE CONTROL EFFORTS ARE FREQUENTLY HAMPERED WHEN TRAPS SET FOR COYOTES ARE SPRUNG BY SMALLER ANIMALS. TENSION DEVICES ARE NOW BEING EVALUATED OR USED ON AN OPTIONAL BASIS BY FEDERALLY-SUPERVISED TRAPPERS IN ARIZONA, CALIFORNIA, NEVADA, NEW MEXICO, OKLAHOMA, AND TEXAS.

THE STUDIES I'VE JUST SUMMARIZED HAVE RESULTED IN SUBSTANTIAL PROGRESS TOWARD MODIFYING TRAPS TO MAKE THEM BOTH LESS INJURIOUS AND SELECTIVE FOR COYOTES. HOWEVER, CONSIDERABLY MORE WORK IS NEEDED TO DETERMINE WHAT TYPES OF PADDED JAWS PERFORM THE BEST; HOW THEY FUNCTION UNDER VARYING SOIL TYPES, WEATHER AND TEMPERATURE CONDITIONS; THEIR EFFECTIVENESS FOR OTHER SPECIES; AND HOW THEY WORK IN OPERATIONAL SITUATIONS.

IN FISCAL YEARS 1981 AND 1982, RESEARCH AND OPERATIONAL BRANCHES OF THE SERVICE SPENT APPROXIMATELY $124,000 IN DIRECT COSTS ON DEVELOPMENT, TESTING, AND IMPLEMENTATION OF THE OPERATIONAL USE OF TRAP PAN TENSION DEVICES AND ON PRELIMINARY EVALUATION OF PADDED JAW TRAPS. FUTURE RESEARCH ON VARIOUS TYPES OF COYOTE CAPTURE DEVICES WILL BE DEPENDENT ON THE OUTCOME OF ONGOING STUDIES.

Finally, I would like to emphasize that our efforts in developing and modifying capture devices from the humane standpoint are aimed soley at their possible use by the Fish and Wildlife Service. As with all our published research, new findings are within the public domain. Thus, State agencies and/or private trapping interests could employ traps or methodologies derived from, or based on, Service research, if they so choose.

The Service's policies and positions on traps and trapping are based on years of field observation and scientific inquiry. While the Service has expressed concern over the issues related to animal trauma and has engaged in research efforts to lessen these problems to the extent practicable, the agency's overall responsibilities in wildlife management continue to lie where they must -- with the well-being of species and populations as opposed to individual animals. Thus, one of our abiding concerns is with the health of the land, the habitat, required to sustain wildlife populations; and this is where the major emphases of our time and fiscal resources should continue to be placed in the future.

On balance, trapping has been demonstrated to be a timely, efficient, and economical means for the regulation of certain animal populations. Its absence would severely reduce the effectiveness of many positive wildlife management and conservation endeavors. It remains a necessary and valuable management tool for the Fish and Wildlife Service in addressing its broad wildlife management and wildlife protection responsibilities.

WTMU ANALYSIS - ATTACHMENT 7

WORLD TRADE MONITORING UNIT ANALYSIS OF
1982 CITES ANNUAL REPORTS

Country	Report Submitted	Before 11/10/83	Format	Actual Trade	Grade	Comments
Argentina	+	+	+	-	1	*
✓Australia	-				0	
✓Austria	-				0	
✓Bahamas	-				0	
✓Bangladesh	+	-	±	?	1	*
Bolivia	+	+	+	-	3	*
✓Botswana	-				0	
✓Brazil	-				0	
✓Cameroon	+	+	+	-	2	
✓Canada	+	-	±	-	2	*
Central African Republic	-				0	
✓Chile	-				0	
China	-				0	
Colombia	-				0	
✓Costa Rica	-				0	
✓Cyprus	-				0	
✓Denmark	-				0	
Ecuador	+	+	+	-	2	*
Egypt	-				0	
✓Finland	-				0	
France	+	+	±	?	3	*
✓Gambia	-				0	
German (Dem. R.)	-				0	
✓Germany (Fed. R.)	+	+	±	+	1	*
✓Ghana	+	-	-	?	1	
Guatemala	+	-	+	-	1	*
Guinea	-				0	
Guyana	-				0	
✓India	-				0	
Indonesia	-				0	
Iran	-				0	
✓Israel	-				0	
✓Italy	+	-	±	-	2	*
Japan	+	-	-	?	2	*
✓Jordan	-				0	
✓Kenya	-				0	
✓Liberia	+	-	±	?	2	
✓Liechtenstein	+	+	-	partial	1	*
Madagascar	+	+	-	-	1	
✓Malawi	-				0	
✓Malaysia	+	-	-	-	2	*
Mauritius	+	-	-	-	2	
Monaco	-				0	
✓Morocco	-				0	
✓Mozambique	-				0	
Nepal	+	-	+	?	2	*
Nicaragua	+	+	+	-	1	
✓Niger	-				0	
Nigeria	-				0	
✓Norway	+	+	±	-	3	*
Pakistan	+	-	+	-	3	*
✓Panama	-				0	

Country	Report Submitted	Before 31/10/83	Format	Actual Trade	Grade	Comments
Papua New Guinea	-				0	
Paraguay	-				0	
Peru	+	+	-	-	2	*
Philippines	+	+	±	?	3	*
✓ Portugal	-				0	
Rwanda	-				0	
✓ Senegal	-				0	
✓ Seychelles	-				0	
South Africa	+	-	+	-	2	*
Sri Lanka	-				0	
Suriname	+	+	±	-	2	
✓ Sweden	+	-	±	+	2	*
✓ Switzerland	+	+	-	partial	1	*
✓ Tanzania	-				0	
✓ Togo	-				0	
✓ Tunisia	+	-	+	?	2	*
USSR	+	-	-	?	2	*
✓ United Arab Emirates	-				0	
✓ United Kingdom	+	-	±	+	1	*
(Hong Kong)	+	+	+	+	2	*
USA	+	-	+	-	1	
Uruguay	+	+	±	-	1	*
Venezuela	+	-	+	-	3	*
Zaire	-				0	
✓ Zambia	-				0	
✓ Zimbabwe	-				0	

Key:
+ = compliance
- = non-compliance
± = substantial compliance
? = unknown

Grade
1 = good
2 = average
3 = poor
0 = failure to report

Countries that have banned or partially banned the steel-jaw leghold trap are indicated with a check (✓), as compiled by the Humane Society of the United States.

COMMENTS (Based on comparative tabulation 1982)

ARGENTINA :	Imports not reported as well as exports/re-exports.
✓ BANGLADESH :	Very little trade reported.
BOLIVIA :	Report not aligned with calender year, substantial section(s) of trade not included (e.g. exports of crocodylian skins).
✓ CANADA :	Substantial section(s) of trade not included (e.g. imports of plants).
ECUADOR :	Substantial section(s) of trade not included (e.g. imports and exports of plants).
FRANCE :	Substantial section(s) of trade not included (e.g. imports of parts and derivatives [except ivory]).
✓ GERMANY : (FED. R.)	Substantial section(s) of trade not included (e.g. imports and exports of plants).
GUATEMALA :	No imports reported (although very few occurred).
✓ ITALY :	Substantial section(s) of trade not included (e.g. imports and exports of plants).
JAPAN :	Trade not reported by species (i.e. higher taxon names used).
✓ LIECHTENSTEIN :	Substantial section(s) of trade not included (e.g. imports of plants).
✓ MALAYSIA :	Report only covers Peninsular Malaysia, excluding Sabah and Sarawak.
NEPAL :	Substantial section(s) of trade not included (e.g. exports of plants).
✓ NORWAY :	Substantial section(s) of trade not included (e.g. imports)
PAKISTAN :	Substantial section(s) of trade not included (e.g. imports)
PERU :	Substantial section(s) of trade not included (e.g. imports)
PHILIPPINES :	Substantial section(s) of trade not included (e.g. imports)
SOUTH AFRICA :	Substantial section(s) of trade not included (particularly imports of parrots, reptile skins and plants).
✓ SWEDEN :	Substantial section(s) of trade not included (e.g. imports of plants).
✓ SWITZERLAND :	Substantial section(s) of trade not included (e.g. imports of plants).
✓ TUNISIA :	Very little trade reported.
U.S.S.R. :	Substantial section(s) of trade not included (e.g. imports of plants).
✓ UNITED KINGDOM :	Substantial section(s) of trade not included (e.g. exports/re-exports of plants).
✓ (HONG KONG) :	Substantial section(s) of trade not included (e.g. manufactured articles).
URUGUAY :	Substantial section(s) of trade not included (e.g. imports of plants).
VENEZUELA :	Substantial section(s) of trade not included (e.g. imports).

1982 CITES Imports into U.S. from Countries of Origin that Ban (or partially ban) Steel-jaw Leghold Traps

1)	*Australia	See Data Sheets
2)	*Austria	No Furbearer Trade
3)	Bangladesh	No Furbearer Trade
4)	Belize	See Data Sheets
5)	Botswana	See Data Sheets
6)	Benin	No Furbearer Trade
7)	*Brazil	See Data Sheets
8)	*British West Indies	No Furbearer Trade
9)	*Burundi	No Furbearer Trade
10)	Cameroon	No Furbearer Trade
11)	*Canada(partial)	Substantial Furbearer Trade
12)	Cayman Islands	No Furbearer Trade
13)	*Channel Islands	No Furbearer Trade
14)	Chile	No Furbearer Trade
15)	Costa Rica	No Furbearer Trade
16)	Cuba	No Furbearer Trade
17)	*Cyprus	No Furbearer Trade
18)	Denmark	See Data Sheets
19)	Dominican Republic	No Furbearer Trade
20)	*Equatorial Guinea	No Furbearer Trade
21)	*Finland	No Furbearer Trade
22)	*Gabon	No Furbearer Trade
23)	Gambia	No Furbearer Trade
24)	Germany, Fed. Rep. of	See Data Sheets

25)	Ghana	No Furbearer Trade
26)	*Greece	See Data Sheets
27)	Hong Kong	No Furbearer Trade
28)	Hungary	No Furbearer Trade
29)	India	See Data Sheets
30)	Ireland, Rep. of	No Furbearer Trade
31)	Israel	No Furbearer Trade
32)	*Italy	No Furbearer Trade
33)	*Ivory Coast	No Furbearer Trade
34)	Jordan	No Furbearer Trade
35)	*Kenya	No Furbearer Trade
36)	Liberia	See Data Sheets
37)	Liechtenstein	No Furbearer Trade
38)	Malawi	No Furbearer Trade
39)	*Malaysia	No Furbearer Trade
40)	*Mali	No Furbearer Trade
41)	*Mauritania	No Furbearer Trade
42)	*Morocco	No Furbearer Trade
43)	Mozambique	No Furbearer Trade
44)	Netherlands	No Furbearer Trade
45)	Niger	No Furbearer Trade
46)	*Norway	See Data Sheets
47)	*Panama	No Furbearer Trade
48)	Portugal	No Furbearer Trade
49)	*Senegal	No Furbearer Trade
50)	Servico	No Furbearer Trade
51)	Seychelles	No Furbearer Trade

52)	Singapore	No Furbearer Trade
53)	*Swaziland	No Furbearer Trade
54)	Sweden	No Furbearer Trade
55)	Switzerland	See Data Sheets
56)	*Tanzania	See Data Sheets
57)	*Togo	No Furbearer Trade
58)	Trinidad and Tobago	No Furbearer Trade
59)	Tunisia	No Furbearer Trade
60)	*Uganda	No Furbearer Trade
61)	*United Arab Emirates	See Data Sheets
62)	United Kingdom	No Furbearer Trade
	- England	No Furbearer Trade
	- *Northern Ireland	No Furbearer Trade
	- Scotland	No Furbearer Trade
	- Wales	No Furbearer Trade
63)	*Upper Volta	No Furbearer Trade
64)	*Zambia	No Furbearer Trade
65)	*Zimbabwe	See Data Sheets

List of countries as compiled by the Humane Society of the United States. Asterisk (*) denotes notification by press release or newclippings.

Australia

Black Tree Kangaroo

Bridled Nail-Tailed Wallaby

1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
US COUNTRY OF IMPORT SPECIMENS

CI	CR	CO	TAXON	A	C	OO	FF	GENUS	SPECIES	QUANTITY	UNIT	TS	P	SM	SP	AGSZ	S	YR	MO	LE CNTRL#	PUPO	SPRT	ESM
US		AR	1430	2	R	SE	BO	CONSTRICTOR	CONSTRICTOR OCCIDE	1	ITEM	HEAD	P				W	82	11	266,762.00			
US		AU	0020	2	M	MA	MA	DENDROLAGUS	URSINUS	1	ITEM	SKIN	C				W	82	11	263,382.00			
US		AU	0020	1	M	MA	MA	ONYCHOGALEA	FRAENATA	25	ITEM	SKIN	C	1163			W	82	12	263,431.00			
US		AU	0325	1	M	CE		CETACEA		16	ITEM	TETH	P				W	82	02	224,634.00			
US		AU	0350	1	M	CE	PP	PHYSETER	CATODON	1	ITEM	TETH	P				W	82	11	263,532.00			
US		AU	0820	2	B	FA	AC	HALIASTUR	SPHENURUS	1	ITEM	SKIN	S				W	82	03	225,239.00			
US		AU	0985	2	B	PS	KA	CACATUA	GALERITA	1	ITEM	LIVE	P				W	82	05	230,357.00			
US		AU	0985	2	B	PS	KA	CACATUA	GALERITA	1	ITEM	LIVE	P	1296			W	82	07	250,842.00			
US		AU	0985	2	B	PS	KA	CACATUA	GALERITA	2	ITEM	LIVE	I	579			W	82	04	235,720.00			
US		AU	0985	2	B	PS	KA	CACATUA	LEADBEATERI	1	ITEM	LIVE	P	1300			W	82	07	250,843.00			
US		AU	0985	2	B	PS	KA	CACATUA	LEADBEATERI	1	ITEM	LIVE	P	82/02			W	82	11	262,109.00			
US		AU	0985	2	B	PS	KA	CACATUA	LEADBEATERI	4	ITEM	LIVE	S	1136			W	82	04	235,735.00			
US		AU	0985	2	B	PS	KA	CACATUA	SANGUINEA	2	ITEM	LIVE	P	01			W	82	04	235,722.00			
US		AU	0985	2	B	PS	KA	CACATUA	SULPHUREA SULPHUREA	1	ITEM	LIVE	P	1239			W	82	05	235,733.00			
US		AU	0985	2	B	PS	KA	EOLOPHUS	ROSEICAPILLUS	2	ITEM	LIVE	P	0000001379			W	82	08	249,908.00			
US		AU	0985	2	B	PS	KA	EOLOPHUS	ROSEICAPILLUS	1	ITEM	LIVE	P	1429			W	82	11	262,114.00			
US		AU	0990	2	B	PS	PS	BARNARDIUS	BARNARDI MACGILLIV	1	ITEM	LIVE	I	1158	1		W	82	06	238,338.00			
US		AU	0990	2	B	PS	PS	NEOPHEMA	CHRYSOSTOMA	4	ITEM	LIVE	I	211			W	82	03	235,870.00			
US		AU	0990	2	B	PS	PS	PLATYCERCUS	CALEDONICUS	4	ITEM	LIVE	I	211			W	82	03	235,878.00			
US		AU	0990	2	B	PS	PS	PSITTACULA	KRAMERI MANILLENSI	15	ITEM	LIVE	C				W	82	04	235,842.00			
US		AU	1310	2	R	CD	CY	CROCODYLUS	JOHNSONI	5	ITEM	LIVE	I	1297			W	82	04	244,409.00			
US		AU	1820	2	P		CC	CYCAS	MEDIA	4	ITEM	LIVE	C	0302			A	82	3	0.00	0003		
US		AU	2010	2	P		OR	'CADETIA'	TAYLORI	12	ITEM	LIVE	C	1455			A	82	12	0.00	1103		
US		AU	2010	2	P		OR	BULBOPHYLLUM	'BAILEYI'	12	ITEM	LIVE	C	1455			A	82	12	0.00	1103		
US		AU	2010	2	P		OR	BULBOPHYLLUM	'ELISAE'	12	ITEM	LIVE	C	1455			A	82	12	0.00	1103		

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Belize

Geoffroy's Cat

Ocelot

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              1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                             US COUNTRY OF IMPORT SPECIMENS

CI CE CO TAXON A C OR FA GENUS                SPECIES                QUANTITY UNIT TS   P SR  SP  ADDE S YR MO  LE CNTRLD PNPO SPRT ISN
-- -- -- ----- - - -- -- -------------------- ------------------ ---------- ---- ---- - --- --- ---- - -- -- ---------- ---- ---- ---
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 10 262,539.00
                                                                                      4453
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 10 262,539.00
                                                                                      4486
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 10 262,539.00
                                                                                      837
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 10 262,539.00
                                                                                      848
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 12 262,555.00
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 11 263,062.00
                                                                                      1917
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 11 263,063.00
                                                                                      1900
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 11 263,063.00
                                                                                      1910
US    BW 0670  2 M AR BO KOBUS                LECHE                     2 ITEM TROP P                W 82 11 263,234.00
                                                                                      4381 & 438
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 12 266,081.00
                                                                                      1888
US    BW 0670  2 M AR BO KOBUS                LECHE                     1 ITEM TROP P                W 82 11 266,149.00
                                                                                      4518
US    BW 0670  2 M AR BO KOBUS                LECHE                     4 ITEM TROP P                W 82 11 268,151.10
                                                                                      451484508-
US    BW 1310  1 R CR CY CROCODYLUS           NILOTICUS                 1 ITEM SKIN P                W 82 01 253,382.10
                                                                                      410 & 411
[illegible]    2 M CA FE FELIS                GEOFFROYI                 2 ITEM SKIN P                W 80 08 [illegible]
[illegible]    1 M CA FE FELIS                PARDALIS                  1 ITEM SKIN P                W 82 08 291,987.00
US    BZ 0990  2 B PS PS AMAZONA              ALBIFRONS                 1 ITEM LIVE P                W 82 08 250,034.00
                                                                                      H9/10/8241
US    BZ 0990  2 B PS PS AMAZONA              FARINOSA                  1 ITEM LIVE P                W 82 08 250,034.00
                                                                                      H9/10/8241
US    BZ 0990  2 B PS PS AMAZONA              OCHROCEPHALA              1 ITEM LIVE P                W 82 07 250,086.00
US    BZ 0990  2 B PS PS AMAZONA              OCHROCEPHALA              2 ITEM LIVE P                W 82 09 251,745.00
                                                                                      H9/10/8243
US    BZ 0990  2 B PS PS PIONUS               SENILIS                   1 ITEM LIVE P                W 82 08 250,034.00
                                                                                      H9/1008243
US    BZ 1230  1 R TE CL ERETMOCHELYS         IMBRICATA                 1 ITEM SHPD P                W 82 08 247,512.00
US    BZ 1380  2 R SA IG IGUANIDAE                                      1 ITEM LIVE P                W 82 08 247,242.00
US    BZ 1430  2 R SE BO CONSTRICTOR          CONSTRICTOR               1 ITEM LIVE S                W 82 11 263,002.00
US    BZ 1670  2 I AA    ANTIPATHARIA                                   1 ITEM RCOR P                W 82 01 223,133.00
US    BZ 1670  2 I AA    ANTIPATHARIA                                  10 ITEM SCSP S                W 82 07 290,612.10
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US                                                                                63

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                1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                                  US COUNTRY OF IMPORT SPECIMENS

CI CR CO TAXON A C OO FF GENUS              SPECIES             QUANTITY UNIT TS   P SM  SP  AGSI S YR MO  LE CNTRLO PURP SPRT SSN
-- -- -- ----- - - -- -- ------------------ ------------------ --------- ---- ---- - --- --- ---- - -- -- ---------- ---- ---- ---

US    BW 2010  2 P    OR AERIDES            MULTIFLORUM                1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR AERIDES            ODORATUM                   1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR CALANTHE           VESTITA                    1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR COELOGYNE          VIRESCENS                  1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         AGGREGATUM                 1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         CARINIFERUM                1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW [illegible] 2 P    OR DENDROBIUM         CHRYSOTOXUM                1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         CHRYSOTOXUM SUAVIS         1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         CREPIDATUM                 1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         CRUMENATUM                 1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         DENSIFLORUM                1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         FALCONERI                  1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         FARMERI                    1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         FIMBRIATUM OCULATU         1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         FINDLEYANUM                1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         FORMOSUM                   1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         INFUNDIBULUM               1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         INFUNDIBULUM JAMES         1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         PARISHII                   1 ITEM LIVE C                W 82 10        0.20 0979
                                                                                     63
US    BW 2010  2 P    OR DENDROBIUM         PRIMULINUM                 1 ITEM LIVE C                W 82 10        0.00 0979
                                                                                     63
US    BW 2010  2 P    OR PHAIUS             TANKERVILLEAE              1 ITEM LIVE C                W 82 [illegible]        0.00 0979
                                                                                     63
US    BW 0120  2 M PR LO GALAGO             SENEGALENSIS              46 ITEM LIVE C                W 82 [illegible] 235,093.00
                                                                                     334
US    BW 0120  2 M PR LO GALAGO             SENEGALENSIS              35 ITEM LIVE E                W 82 03 238,120.00
                                                                                     334
US    BW 0480  2 M CA FE PANTHERA           LEO                      100 ITEM CLAW E                W 82 11 263,200.10
                                                                                     3369
US    BW [illegible] 2 M CA FE PANTHERA           LEO                        2 ITEM RUGS E                W 82 02 234,503.00
                                                                                     7065
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African Lion

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1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
US COUNTRY OF IMPORT SPECIMENS

African Lion

CI	CR	CO	TAXON	A	E	OO	PF	GENUS	SPECIES	QUANTITY	UNIT	TS	P	SR	SP	AGSI	S	YR	MO	LE CNTRL#	PWPO	SPRT	DSM
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	RUGS	C	3363			W	82	11	263,290.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	C				W	82	06	238,163.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	6	ITEM	TROP	C	1743			W	82	04	239,359.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	2	ITEM	TROP	P	349			W	82	01	224,332.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	305			W	82	12	224,353.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	03	224,356.11			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	2	ITEM	TROP	P	554 & 552			W	82	12	224,361.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	12	224,367.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	476			W	82	01	224,371.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	01	224,434.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	548			W	82	01	224,437.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	661			W	82	02	224,469.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	1841			W	82	02	224,478.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	120699			W	82	01	230,288.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	1773			W	82	04	234,792.10			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	632			W	82	04	235,031.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	826			W	82	09	250,379.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	826			W	82	09	250,381.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	856			W	82	09	253,410.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	632			W	82	09	250,430.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	730			W	82	08	251,215.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	836			W	82	09	251,301.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	716			W	82	08	251,569.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P	539			W	82	01	255,302.00			
US		BW	0480	2	M	CA	PE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	01	258,710.10			

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Botswana 3

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          1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                                  US COUNTRY OF IMPORT SPECIMENS

CI EX OR TAXON A C CL OR GENUS              SPECIES             QUANTITY UNIT TS  P SV  SE  AUSL S YR MO  CI CNTRL# PURO XPRT XSH
-- -- -- ----- - - -- -- ------------------ ------------------ --------- ---- ---- - --- --- ---- - -- -- ---------- ---- ---- ---

US BW ZW 1430  2 R SE BO PYTHON            RETICULATUS                1 ITEM SHOE P                  W 82 03 230,325.10
US BW ZW 1430  2 R SE BO PYTHON            SEBAE                      1 ITEM HEAD P                  W 82 10 262,355.00
US BW ZW 1430  2 R SE BO PYTHON            SP                         1 ITEM SKIN P                  W 82 01  23,586.00
US BW ZW 1430  2 R SE BO PYTHON            SPECIES                    1 ITEM HBAG P                  W 82 12 226,793.00
US BW ZW 0560  2 M PB EL LOXODONTA         AFRICANA                   1 ITEM FEET P                  W 82 09 251,026.00
US BW ZW 0560  2 M PB EL LOXODONTA         AFRICANA                 200 ITEM JWLY C                  W 82 12 241,976.00
US BW ZW 0560  2 M PB EL LOXODONTA         AFRICANA                   2 ITEM TUSK P                  W 82 10 260,627.00
US BW ZW 1295  2 R CO    CROCODYLIA                                   1 ITEM HBAG P                  W 82 11 251,236.00
US BW ZW 0560  2 M PB EL LOXODONTA         AFRICANA                  56 ITEM ICAR P                  W 82 08 269,516.00
US BW ZW 0560  2 M PB EL LOXODONTA         AFRICANA                   4 ITEM ICAR P                  W 82 07 269,515.00
US BW ZW 0560  2 M PB EL LOXODONTA         AFRICANA                   1 ITEM TUSK P                  W 82 07 269,512.00
US BW ZW 0560  2 M PB EL LOXODONTA         AFRICANA                   1 ITEM TUSK P                  W 82 07 269,513.00
US BW ZW 2990  2 B PS PS PSITTACUS         ERITHACUS                  1 ITEM LIVE P                  W 82 04 255,829.00
US BW ZW 0560  2 M PB EL LOXODONTA         AFRICANA                   3 ITEM ICAR P                  W 82 09 269,507.00
US BW ZW 0560  2 M PB EL LOXODONTA         AFRICANA                   2 ITEM SHOE P                  W 82 09 267,671.10
US BW ZW 1310  1 R CO CY CROCODYLUS        NILOTICUS                  1 ITEM SHOE P                  W 82 09 267,671.00
                                                                 ----------
    BW                                221                             2,015

US ZA BW 1430  2 R SE BO EUNECTES          NOTAEUS                    1 ITEM SKIN C                  W 82 03 226,843.10
                                                                                93/81
US ZA BW 1430  2 R SE BO EUNECTES          NOTAEUS                   46 ITEM SKIN C                  W 82 04 267,430.00
US ZA BW 0480  2 M CA FE PANTHERA          LEO                        1 ITEM HBAG C                  W 82 02  22,636.11
                                                                                L 6995
US ZA BW 0460  2 M CA FE PANTHERA          LEO                        1 ITEM TROP P                  W 82 06 250,426.00
US ZA BW 0560  2 M PB EL LOXODONTA         AFRICANA                   2 ITEM FEET P                  W 82 10 253,292.00
                                                                                L 5970
US ZA BW 0560  2 M PB EL LOXODONTA         AFRICANA                   2 ITEM FEET P                  W 82 10 253,306.00
US ZA BW 0560  2 M PB EL LOXODONTA         AFRICANA                   4 ITEM LGPD P                  W 82 07 251,369.00
                                                                                7534
US ZA BW 0560  2 M PB EL LOXODONTA         AFRICANA               1,000 SQFT SKIN C                  W 82 12 263,130.00
                                                                                4792
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African Lion

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Botswana 4

African Lion

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               1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                                          US COUNTRY OF IMPORT SPECIMENS
CI CA CO TAXON A C 33 ?? GENUS                SPECIES              QUANTITY UNIT TS   P SR  OP  ASC  A YR MO  US CNTRL# PURP XPRT XSH
-- -- -- ----- - - -- -- -------------------- ------------------ ---------- ---- ---- - --- --- ---- - -- -- ---------- ---- ---- ---
US ZW BW 0600  2 M CA FE PANTHERA             LEO                        2 ITEM RUGS E                  * 82 06 235,520.00
US ZW TZ 0563  2 M PB EL LOXODONTA            AFRICANA                   2 ITEM TUSK P                  * 82 07 249,513.00
US ZW ZA 0600  2 M CA FE PANTHERA             LEO                        1 ITEM TROP P                  * 82 12 239,913.00
US ZW ZA 0563  2 M PB EL LOXODONTA            AFRICANA                   1 ITEM TROP P                  * 82 12 263,131.10
US ZW ZW 0563  2 M PB EL LOXODONTA            AFRICANA                   2 ITEM TUSK P                  * 82 12 263,131.00
US ZW ZW 0563  2 M PB EL LOXODONTA            AFRICANA               2,500 SQFT SKIN C                  * 82 05 234,455.00
                                                                   ----------
   ZW                                      5                            2,508
                                                                   ----------
US                                    25,354                        6,416,751
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Brazil

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1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
US COUNTRY OF IMPORT SPECIMENS

Geoffray's Cat

CI	CR	CO	TAXON	A	C	DC	PF	GENUS	SPECIES	QUANTITY	UNIT	TS	P	SM	SP	AGSZ	S	YR	MO	LE CNTRL#	PWPO	XPRT	XSN
US	CA	BR	0400	2	M	CA	FE	FELIS	GEOFFROYI	2	ITEM	SMPD	C				W	82	05	235,381.00			
US	CA	BR	1400	2	R	SA	TO	DRACAENA	GUIANENSIS	6	ITEM	SMPD	C				W	82	02	224,879.00		7823	
US	CA	CA	0480	2	M	CA	FE	LYNX	CANADENSIS	1	ITEM	GRMT	C				W	82	12	262,013.00			
US	CA	CA	0480	2	M	CA	FE	LYNX	CANADENSIS	2	ITEM	GRMT	C				W	82	11	260,137.00			
US	CA	CA	0480	2	M	CA	FE	LYNX	RUFUS	1	ITEM	SMPD	C	M 01237			W	82	12	262,014.00			
US	CA	CO	1380	2	R	SA	IG	IGUANA	SPECIES	5	ITEM	WBND	C				W	82	02	23,618.00			
US	CA	CO	1380	2	R	SA	IG	IGUANA	SPECIES	5	ITEM	WBND	C	ONT 109 82			W	82	06	237,196.30			
US	CA	CO	1380	2	R	SA	IG	IGUANA	SPECIES	20	ITEM	WBND	C	ONT 214 82			W	82	12	262,798.00			
US	CA	CO	1400	2	R	SA	TO	TUPINAMBIS	SP	2,360	ITEM	WBND	C				W	82	02	230,364.00			
US	CA	CO	1420	2	R	SA	VA	VARANUS	SP	10	ITEM	WBND	C				W	82	02	23,305.00			
US	CA	DO	1250	1	R	TE	CL	CHELONIA	MYDAS	6	ITEM	SKIN	C				W	82	07	230,912.00			
US	CA	GB	0820	2	B	PA	AC	BUTEO	BUTEO	2	ITEM	LIVE	C	1	1	ADUL	W	82	12	262,039.00			
US	CA	GB	0820	2	B	PA	AC	HIERAAETUS	FASCIATUS SPILOGAS	1	ITEM	LIVE	C	1		ADUL	W	82	12	262,039.00			
US	CA	GF	1300	2	R	CD	AL	CAIMAN	CROCODILUS	18	ITEM	WBND	C				W	82	12	261,060.00			
US	CA	GF	1300	2	R	CD	AL	CAIMAN	CROCODILUS	26	ITEM	WBND	C				W	82	11	261,130.00			
US	CA	GF	1300	2	R	CD	AL	CAIMAN	CROCODILUS	171	ITEM	WBND	C				W	82	10	261,223.00			
US	CA	GF	1300	2	R	CD	AL	CAIMAN	CROCODILUS	95	ITEM	WBND	C				W	82	10	261,253.00			
US	CA	ID	0985	2	B	PS	KA	CACATUA	GOFFINI	4	ITEM	LIVE	C				W	82	07	249,938.00			
US	CA	ID	0985	2	B	PS	KA	CACATUA	MOLUCCENSIS	10	ITEM	LIVE	C				W	82	07	249,938.00			
US	CA	ID	0985	2	B	PS	KA	CACATUA	SULPHUREA	4	ITEM	LIVE	C				W	82	07	249,938.00			
US	CA	ID	0985	2	B	PS	KA	CACATUA	SULPHUREA	15	ITEM	LIVE	C				W	82	07	249,938.00			
US	CA	ID	1420	2	R	SA	VA	VARANUS	SP	2,007	ITEM	WBND	C				W	82	09	246,733.00			
US	CA	ID	1420	2	R	SA	VA	VARANUS	SP	170	ITEM	WBND	C				W	82	08	247,093.10			
US	CA	ID	1420	2	R	SA	VA	VARANUS	SP	2	ITEM	WBND	C				W	82	07	247,460.11			
US	CA	ID	1420	2	R	SA	VA	VARANUS	SP	5,831	ITEM	WBND	C	M-0860			W	82	09	247,726.00			

Denmark

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1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
US COUNTRY OF IMPORT SPECIMENS

Polar Bear

Lynx

CI	CR	CO	TAXON	A	C	OO	PP	GENUS	SPECIES	QUANTITY	UNIT	TS	P	SN	SP	AGSI	S	YR	MO	LE ENTOLD	PAPO	XPRT	ESN
US		DK	2010	2	P		OR	PHALAENOPSIS	HEID	1	ITEM	CUTT	C	II	A	00-278/82	A	82	10	0.00	1017		
US		DK	2010	2	P		OR	PHALAENOPSIS	ZAUBERROT	1	ITEM	CUTT	C	II	A	00-278/82	A	82	10	0.00	1017		
US		DK	2010	2	P		OR	TRICHOPILIA	TORTILIS	1	ITEM	CUTT	C	II	A	00-278/82	A	82	10	0.00	1017		
US		DK	2010	2	P		OR	VUYLSTEKEARA	CAMBRIA	1	ITEM	CUTT	C	II	A	00-278/82	A	82	10	0.00	1017		
US		DK	2010	2	P		OR	WILSONARA	HYBRID	10	ITEM	CUTT	C	II	A	00-169/82	A	82	8	0.00	0222		
US		DK	2010	2	P		OR	X WILSONARA	HYBRID+	2	ITEM	CUTT	C	II	A	00-169/82	A	82	8	0.00	0222		
US		DK	2103	0	P		XX	UNKNOWN	UNKNOWN	1	SHIP	LIVE	C	II	A	00-003/82	A	82	4	0.00	1015		
US		DK	0430	2	W	CA	UR	URSUS	MARITIMUS	1	ITEM	SKIN	C				W	82	12	[illegible]			
US		DK	0400	2	W	CA	FE	LYNX	CANADENSIS	1	ITEM	GARM	P				W	82	08	[illegible]			
US		DK	1740	0	P		CA	CACTACEAE		50	ITEM	SDLG	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	CEREUS	POSELGERI	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	CHAMAECEREUS	HYBRID	5	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	"AREOLATUM DENSIS"	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	ANDREAE	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	ARTIGAS	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	ASTERIUM	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	BALDIANUM	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	BICOLOR	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	CAPILLAENSIS	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	CARDENASIANUM	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	BERZIANUM	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	DENUDATUM	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	EURYPLEURUM	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	GIBBOSUM	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		
US		DK	1740	2	P		CA	GYMNOCALYCIUM	HENNESSII	1	ITEM	LIVE	C	0078			A	82	6	0.00	0130		

40-470 O - 85 - 22

Germany, West

Wolf

European Wild Cat

1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
US COUNTRY OF IMPORT SPECIMENS

CI	CR	CO	TAXON	A	C	OD	FF	GENUS	SPECIES	QUANTITY	UNIT	TS	P	SQ	SP	AGSZ	S	YR	MO	LE CNTRL#	PWPD	XPRT	XSN
US		DD	0990	2	B	PS	PS	PLATYCERCUS	ADSCITUS	4	ITEM	LIVE	Z	2 1/2/46/82	2		W	82	03	239,533.00			
US		DD	0990	2	B	PS	PS	PLATYCERCUS	ZONARIUS	4	ITEM	LIVE	Z	1	1		W	82	03	239,533.00			
US		DD	0990	2	B	PS	PS	POLYTELIS	ALEXANDRAE	4	ITEM	LIVE	Z	2 1/2/46/82	2		W	82	03	239,533.00			
US		DD	0990	2	B	PS	PS	PSEPHOTUS	VARIUS	6	ITEM	LIVE	Z	3 1/2/46/82	?		W	82	03	239,533.00			
US		DE	0091	2	M	SC	TJ	TUPAIA	GLIS	10	ITEM	LIVE	C				W	82	04	238,287.00			
US		DE	0180	2	M	PR	CC	MACACA	FASCICULARIS	77	ITEM	LIVE	C				W	82	09	255,718.00			
US		DE	0180	2	M	PR	CC	MACACA	MULATTA	144	ITEM	LIVE	C				W	82	09	255,718.00			
US		DE	0180	2	M	PR	CC	MACACA	MULATTA	300	ITEM	LIVE	C				W	82	09	255,718.00			
US		DE	0420	2	M	CA	CN	CANIS	LUPUS	2	ITEM	GRMT	P				W	82	11	263,572.00			
US		DE	0430	2	M	CA	UR	URSUS	MARITIMUS	1	ITEM	LIVE	Z				C	82	02	226,615.00		8728	
US		DE	0480	2	M	CA	FE	FELIS	RUBIGINOSA PHILLIP	1	ITEM	LIVE	C	II A 00-13			C	82	07	251,499.00			
US		DE	0480	2	M	CA	FE	FELIS	SILVESTRIS	2	ITEM	GRMT	C				W	82	12	263,435.00			
US		DE	0480	2	M	CA	FE	PANTHERA	LEO	2	ITEM	LIVE	P				W	82	10	251,495.00			
US		DE	0820	2	B	FA	AC	ACCIPITER	GENTILIS	1	ITEM	STUF	P				W	82	08	250,106.00			
US		DE	0820	2	B	FA	AC	ACCIPITRIDAE		1	ITEM	STUF	P				W	82	07	250,121.00			
US		DE	0820	1	B	FA	AC	HALIAEETUS	LEUCOCEPHALUS	2	ITEM	LIVE	Z	1 II A 00-11	1		W	82	09	250,865.00		2970	
US		DE	0830	2	B	FA	FA	FALCO	CHERRUG	2	ITEM	LIVE	C				C	82	11	262,054.00			
US		DE	0830	2	B	FA	FA	FALCO	CHERRUG	4	ITEM	LIVE	P	II A 00-21			C	82	09	250,867.00			
US		DE	0980	2	B	CO	CO	GOURA	CRISTATA	8	ITEM	LIVE	C	IIA00-338/			W	82	12	262,057.00			
US		DE	0985	2	B	PS	KA	CACATUA	ALBA	2	ITEM	LIVE	P				W	82	09	268,193.00			
US		DE	0985	2	B	PS	KA	CACATUA	GALERITA	1	ITEM	LIVE	C				W	82	02	225,055.00			
US		DE	0985	2	B	PS	KA	CACATUA	LEADBEATERI	4	ITEM	LIVE	C				W	82	11	262,146.00			
US		DE	0985	2	B	PS	KA	CACATUA	MOLUCCENSIS	1	ITEM	LIVE	P				W	82	09	251,786.00			
US		DE	0987	2	B	PS	LO	EOLOPHUS	ROSEICAPILLUS	14	ITEM	LIVE	C				W	82	11	262,146.00			
US		DE	0990	2	B	PS	PS	ALISTERUS	SCAPULARIS	5	ITEM	LIVE	C				W	82	03	225,303.00			

Greece

1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
US COUNTRY OF IMPORT SPECIMENS

CI	CR	CO	TAXON	A	C	OO	FF	GENUS	SPECIES	QUANTITY	UNIT	TS	P	SM	SP	AUSI	S	YR	MO	LE CNTRLN	FWPO	RPRT	XSH
US		GH	1240	2	R	TE	TS	KINIXYS	BELLIANA	24	ITEM	LIVE	C	032607			W	82	04	239,401.00			
US		GH	1240	2	R	TE	TS	KINIXYS	HOMEANA	17	ITEM	LIVE	C				W	82	05	238,621.00			
US		GH	1420	2	R	SA	VA	VARANUS	SP	6	ITEM	LIVE	C	032608			W	82	03	229,289.00			
US		GH	1420	2	R	SA	VA	VARANUS	SP	53	ITEM	LIVE	C	032608			W	82	03	229,289.00			
US		GH	1420	2	R	SA	VA	VARANUS	SP	20	ITEM	LIVE	C	032607			W	82	04	239,401.00			
US		GH	1420	2	R	SA	VA	VARANUS	SP	25	ITEM	LIVE	C	032607			W	82	04	239,401.00			
US		GH	1420	2	R	SA	VA	VARANUS	SP	12	ITEM	LIVE	C	000197			W	82	09	247,926.00			
US		GH	1420	2	R	SA	VA	VARANUS	SP	128	ITEM	LIVE	C	000197			W	82	09	247,926.00			
US		GH	1420	2	R	SA	VA	VARANUS	SP	6	ITEM	LIVE	C				W	82	07	250,981.11			
US		GH	1420	2	R	SA	VA	VARANUS	SP	20	ITEM	LIVE	C				W	82	07	250,981.11			
US		GH	1430	2	R	SE	BO	CALABARIA	REINHARDTII	21	ITEM	LIVE	C				W	82	03	229,290.00			
US		GH	1430	2	R	SE	BO	CALABARIA	SP	21	ITEM	LIVE	C				W	82	03	229,290.00			
US		GH	1430	2	R	SE	BO	PYTHON	REGIUS	11	ITEM	LIVE	C	000197			W	82	09	247,926.00			
US		GH	1430	2	R	SE	BO	PYTHON	REGIUS	350	ITEM	LIVE	C				W	82	07	250,981.00			
US		GH	1430	2	R	SE	BO	PYTHON	RETICULATUS	26	ITEM	LIVE	C	032608			W	82	03	229,289.00			
US		GH	1430	2	R	SE	BO	PYTHON	SEBAE	2	ITEM	LIVE	C	002609			W	82	03	229,289.00			
US		GH	1430	2	R	SE	BO	PYTHON	SEBAE	26	ITEM	LIVE	C				W	82	05	238,621.00			
US		GH	1430	2	R	SE	BO	PYTHON	SEBAE	3	ITEM	LIVE	C	032607			W	82	04	239,401.00			
US		GH	1430	2	R	SE	BO	PYTHON	SEBAE	132	ITEM	LIVE	C	045			W	82	07	247,849.00			
US		GH	1430	2	R	SE	BO	PYTHON	SEBAE	12	ITEM	LIVE	C				W	82	07	250,981.11			
US		GH	1430	2	R	SE	BO	PYTHON	SEBAE	17	ITEM	SKIN	C	000334			W	82	02	224,899.00			
US		GL	0830	1	B	FA	FA	FALCO	PEREGRINUS	5	ITEM	EGGS	S				W	82	03	250,368.00			
US		GH	0480	1	M	CA	FE	PANTHERA	PARDUS	1	ITEM	SKIN	P				W	82	01	224,639.00			
US		GA	0990	2	B	PS	PS	POICEPHALUS	SENEGALUS	1	ITEM	LIVE	P				W	82	11	262,338.30			
US		GR	0480	2	M	CA	FE	LYNX	SP	1	ITEM	LGPD	P				W	82	10	261,377.00			

Lynx

India

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           1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                         US COUNTRY OF IMPORT SPECIMENS

CI CR CO TAXON A C OO FP GENUS              SPECIES             QUANTITY UNIT TS   P SM  SP  AGSZ S YR MO  LE CNTRLV FWPO XPRT XSM
-- -- -- ----- - - -- -- ------------------ ------------------ --------- ---- ---- - --- --- ---- - -- -- ---------- ---- ---- ---

US    ID 2010  2 P    OR 'DORTHERA'         UNGUR                      1 ITEM LIVE C                 A 82  6       0.00 0322
                                                                                     N
US    ID 2010  2 P    OR BULBOPHYLLUM       BECCARII                   1 ITEM LIVE C                 A 82  6       0.00 0322
                                                                                     N
US    ID 2010  2 P    OR KINGIELLA          PHILIPP X CORNU-CE         1 ITEM LIVE C                 A 82  6       0.00 0322
                                                                                     N
US    ID 2010  2 P    OR KINGIELLA          PHILIPPIN X PARISH         1 ITEM LIVE C                 A 82  6       0.00 0322
                                                                                     N
US    ID 2010  2 P    OR PAPHIOPEDILUM      DAYANUM                   30 ITEM LIVE C                 A 82  2       0.00 0319
                                                                                     N
US    ID 2010  2 P    OR PAPHIOPEDILUM      DAYANUM                    2 ITEM LIVE C                 A 82  3       0.00 0320
                                                                                     N
US    ID 2010  2 P    OR PAPHIOPEDILUM      SP NOVA                    1 ITEM LIVE C                 A 82  2       0.00 0319
                                                                                     N
US    ID 2010  2 P    OR PAPHIOPEDILUM      SP NOVA                   40 ITEM LIVE C                 A 82  3       0.00 0320
                                                                                     N
US    ID 2010  2 P    OR PAPHIOPEDILUM      SUPERBIENS                30 ITEM LIVE C                 A 82  2       0.00 0319
                                                                                     N
US    ID 2010  2 P    OR PAPHIOPEDILUM      TONSUM CURTISIIFOL        30 ITEM LIVE C                 A 82  3       0.00 0320
                                                                                     N
US    ID 2010  2 P    OR PAPHIOPEDILUM      TONSUM RED LEAF           50 ITEM LIVE C                 A 82  3       0.00 0320
                                                                                     N
US    ID 2010  2 P    OR PAPHIOPEDILUM      VIRENS                     1 ITEM LIVE C                 A 82  2       0.00 0319
                                                                                     N
US    ID 2010  2 P    OR PARAPHALAENOPSIS   LAYCOCKII                 20 ITEM LIVE C                 A 82  3       0.00 0320
                                                                                     N
US    ID 2010  2 P    OR PHALAENOPSIS       'CELEBENSIS SWEET'        50 ITEM LIVE C                 A 82  3       0.00 0321
                                                                                     N
US    ID 2010  2 P    OR PHALAENOPSIS       'MODESTA'                 20 ITEM LIVE C                 A 82  2       0.00 0319
                                                                                     N
US    ID 2010  2 P    OR PHALAENOPSIS       'PSILANTHA'               50 ITEM LIVE C                 A 82  3       0.00 0321
                                                                                     N
US    ID 2010  2 P    OR PHALAENOPSIS       AMBOINENSIS COMMON        30 ITEM LIVE C                 A 82  2       0.00 0319
                                                                                     N
US    ID 2010  2 P    OR PHALAENOPSIS       AMBOINENSIS X VIOL         1 ITEM LIVE C                 A 82  6       0.00 0322
                                                                                     N
US    ID 2010  2 P    OR PHALAENOPSIS       MACULATA                   1 ITEM LIVE C                 A 82  2       0.00 0319
                                                                                     N
US    IN 0480  2 M CA FE FELIS              VIVERRINUS                 1 ITEM GRMT P                 W 82 02 224,613.00
US    IN 0480  1 M CA FE PANTHERA           PARDUS                     1 ITEM GRMT P                 P 82 11 263,487.00
US    IN 0480  1 M CA FE PANTHERA           TIGRIS                     1 ITEM CLAW P                 W 82 08 251,157.00
US    IN 0560  3 M PS EL ELEPHANTIDAE                                 11 ITEM IJWL P                 W 82 05 246,362.10
US    IN 0540  1 M PS EL ELEPHAS            MAXIMUS                    1 ITEM LIV' 2          1 YUNG W 82 07 249,906.00
                                                                                     0000032203
US    IN 0540  2 M PS EL LOXODONTA          AFRICANA                   2 ITEM ICAR P                 W 82 06 254,603.12
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Fishing Cat

Leopard

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Liberia

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12/13/83                                                                                              PAGE 1507
                 [illegible]

US XX CI 0540  2 M PR EL LOXODONTA        AFRICANA                   1 ITEM ICAR P                  W 82 07 269,534.00
US XX CM 0540  2 M PR EL LOXODONTA        AFRICANA                   4 ITEM IJWL P                  W 82 07 269,511.00
US XX CM 0540  2 M PR EL LOXODONTA        AFRICANA                  11 ITEM IJWL P                  W 82 07 269,536.00
US XX CM 0540  2 M PR EL LOXODONTA        AFRICANA                   1 ITEM TUSK P                  W 82 07 269,510.00
US XX CM 0540  2 M PR EL LOXODONTA        AFRICANA                   2 ITEM TUSK P                  W 82 07 269,573.00
US XX CN 0540  1 M PR EL ELEPHAS          MAXIMUS                    2 ITEM ICAR P                  W 82 05 269,675.00
US XX DE 0490  2 A PS PS ARA              ARARAUNA                   1 ITEM LIVE P                  W 82 10 262,252.00
US XX DO 1250  1 R TE CE CHELONIA         MYDAS                      4 ITEM SHPD P                  W 82 11 252,696.00
US XX FR 1250  1 R TE CE CHELONIA         MYDAS                      1 ITEM SHEL P                  W 82 12 261,985.00
US XX GA 0540  2 M PR EL LOXODONTA        AFRICANA                   4 ITEM ICAR P                  W 82 07 269,517.00
US XX ID 1430  2 R SE BO PYTHON           RETICULATUS              326 ITEM SHOE C                  W 82 05 255,956.00
US XX ID 1430  2 R SE BO PYTHON           RETICULATUS              310 ITEM SHOE C                  W 82 06 255,959.00
US XX ID 1430  2 R SE BO PYTHON           RETICULATUS               41 ITEM SHPD C                  W 82 07 267,572.00
US XX IN 0540  0 M PR EL ELEPHANTIDAE                                6 ITEM IJWL P                  W 82 07 269,532.00
US XX KE 0540  2 M PR EL LOXODONTA        AFRICANA                 150 ITEM UNSP C                  W 82 11 260,722.00
US XX KR 1337  0 R SA    SAURIA                                      5 ITEM UNSP P                  W 82 09 247,660.00
US XX LR 0450  0 M CA MU MUSTELIDAE                                  1 ITEM UNSP P                  W 82 02 251,256.00
US XX MA 0540  2 M PR EL LOXODONTA        AFRICANA                   1 ITEM ICAR P                  W 82 07 269,519.00
US XX NG 0540  2 M PR EL LOXODONTA        AFRICANA                   5 ITEM ICAR P                  W 82 07 263,765.10
US XX NG 0540  2 M PR EL LOXODONTA        AFRICANA                   9 ITEM IJWL P                  W 82 07 263,765.10
US XX NG 1310  1 R CO CY OSTEOLAEMUS      TETRASPIS                  3 ITEM HEAD C                  W 82 04  22,363.00
US XX NZ 0325  0 M CE    CETACEA                                     1 ITEM SPRT P                  W 82 01  26,370.00
US XX SU 0540  2 M PR EL LOXODONTA        AFRICANA                   3 ITEM ICAR P                  W 82 02  23,997.00
US XX TH 0240  2 M PH SC MANIS            JAVANICA                   1 ITEM PSKN C                  W 82 05 257,211.10
US XX TH 1420  2 R SA VA VARANUS          SP                        12 ITEM PSKN C                  W 82 05 277,111.00
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Otter ?

Norway

12/15/83

1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
US COUNTRY OF IMPORT SPECIMENS

CI	CR	CO	TAXON	A	C	OO	PP	GENUS	SPECIES	QUANTITY	UNIT	TS	P	SH	SP	AGSI	S	YR	MO	LE CNTRLN	FWPD	SPRT	SSN
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	336	ITEM	LIVE	C	0231346			A	82	5	0.00	0437		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	1,499	ITEM	LIVE	C	0231363			A	82	5	0.00	0438		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	761	ITEM	LIVE	C	0331333			A	82	7	0.00	0440		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	188	ITEM	LIVE	C	0231331			A	82	8	0.00	0442		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	167	ITEM	LIVE	C	0331326			A	82	8	0.00	0444		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	71	ITEM	LIVE	C	3331328			A	82	8	0.00	0445		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	52	ITEM	LIVE	C	0331323			A	82	8	0.00	0446		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	6	ITEM	LIVE	C	0031315			A	82	9	0.00	0449		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	1,775	ITEM	LIVE	C	0331366			A	82	XX	0.00	0457		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	190	ITEM	LIVE	C	0031263			A	82	11	0.00	1086		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	133	ITEM	LIVE	C	0331287			A	82	11	0.00	1087		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	313	ITEM	LIVE	C	0331273			A	82	12	0.00	1194		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	15	VIAL	LIVE	C	0331324			A	82	8	0.00	0444		
US		NL	2010	2	P		OR	VUYLSTEKEARA	HYBRID	5	VIAL	LIVE	C	0331366			A	82	XX	0.00	0457		
US		NL	2010	2	P		OR	WILSONARA	HYBRID	52	ITEM	LIVE	C	0031323			A	82	8	0.00	0446		
US		NL	2010	2	P		OR	WILSONARA	HYBRID	315	ITEM	LIVE	C	0031273			A	82	12	0.00	1194		
US		NL	2070	2	P		PR	CYCLAMEN	SP	10,000	ITEM	LIVE	C	1-79			A	82	12	0.00	1193		
US		NO	0410	2	N	CA	UR	URSUS	MARITIMUS	1	ITEM	RUGS	P				W	82	01	224,427.00			
US		NP	1240	2	R	TE	TS	TESTUDO	ELONGATA	11	ITEM	LIVE	C				W	82	34	236,689.00			
US		NP	1320	1	R	CO	GA	GAVIALIS	GANGETICUS	6	ITEM	LIVE	S	3 16	1	YUNG	C	82	06	238,396.00			
US		NP	2010	2	P		OR	AERIDES	MULTIFLORUM	53	ITEM	LIVE	C	N			W	82	6	0.00	0426		
US		NP	2010	2	P		OR	AERIDES	MULTIFLORUM	2	ITEM	LIVE	C	N			W	82	XX	0.00	0427		
US		NP	2010	2	P		OR	AERIDES	ODORATUM	50	ITEM	LIVE	C	N			W	82	6	0.00	0426		
US		NP	2010	2	P		OR	AERIDES	ODORATUM	2	ITEM	LIVE	C	N			W	82	XX	0.00	0427		
US		NP	2010	2	P		OR	AERIDES	RACIFERUM	50	ITEM	LIVE	C	N			W	82	6	0.00	0426		

Polar Bear

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BEST COPY AVAILABLE

Switzerland

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12/15/83                                                                                                        PAGE 1506
          1982 INTERNATIONAL TRADE INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                                     US COUNTRY OF IMPORT SPECIMENS

CI CR CO TAXON A C OD PR GENUS              SPECIES            QUANTITY UNIT TX   P SR  SP  WASL S YR MO  LC CNTRL# PAPO XPRT ESM
-- -- -- ----- - - -- -- ------------------ ------------------ ---------- ---- ---- - --- --- ---- - -- -- ---------- ---- ---- ---

US UY IT 1300  2 W CO AL CAIMAN             CROCODILUS              510 ITEM SHPD C                W 82 11 255,750.00
US UY SD 1420  2 W SA VA VARANUS            SP                    1,540 ITEM SHPD C                W 82 08 265,599.00
US UY SD 1420  2 W SA VA VARANUS            SP                      540 ITEM SHPD C                W 82 04 242,700.00
US UY SG 1300  2 W CO AL CAIMAN             CROCODILUS            2,563 ITEM SHPD C                W 82 11 255,749.00
US UY SG 1300  2 W CO AL CAIMAN             CROCODILUS            2,563 ITEM SHPD C                W 82 11 255,751.00
                                                               ----------
   UY                                  5                          7,716

US VE VE 0990  1 S PS PS AMAZONA            BARBADENSIS               2 ITEM LIVE C                W 82 12 252,194.00
US VE VE 0990  2 S PS PS PSITTACUS          ERITHACUS                 2 ITEM LIVE P                W 82 12 252,403.00
US VE XX 0540  2 W PS EL LOXODONTA          AFRICANA                  1 ITEM JEWL P                W 82 03 254,242.00
US VE XX 0985  2 S PS XX CACATUA            ALBA                      2 ITEM LIVE P                W 82 07 251,749.00
                                                                                  4340J552
US VE XX 1250  1 A TE CL CHELONIA           MYDAS                     1 ITEM SHEL P                W 82 07 253,236.00
                                                               ----------
   VE                                  5                              8

US VN CN 0540  0 W PS EL ELEPHANTIDAE                                 2 ITEM TUSK P                W 82 04 244,576.00

US WI XX 0540  2 W PS EL LOXODONTA          AFRICANA                  5 ITEM JEWL P                W 82 04 266,179.00
US WI XX 0540  2 W PS EL LOXODONTA          AFRICANA                  1 ITEM TUSK P                W 82 10 265,190.00
                                                               ----------
   WI                                  2                              6

US XX AR 1620  2 W SA TU TUPINAMBIS         SP                        4 ITEM SHOE P                W 82 02 224,011.10
US XX AR 1630  2 W SA BO CONSTRICTOR        CONSTRICTOR             240 ITEM SHOE C                W 83 05 235,170.00
US XX SU 1250  1 A TE CH ERETMOCHELYS       IMBRICATA                 1 ITEM [illegible] P         W [illegible] 252,735.00
US XX SU 1250  1 A TE CH ERETMOCHELYS       IMBRICATA                 1 ITEM [illegible] P         W [illegible] 252,991.00
US XX CH 0400  2 W CA FE FELIDAE                                      1 ITEM COAT P                W 82 02 251,155.00
US XX CH 0540  2 W PS EL LOXODONTA          AFRICANA                  [illegible]                    [illegible] 97.00
US XX CH 0540  2 W PS EL LOXODONTA          AFRICANA                  [illegible]                  W [illegible] 91.00
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Cat

Tanzania 1

African Lion

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12/15/83                                                                                                  PAGE 1031
            1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                              US COUNTRY OF IMPORT SPECIMENS

CI CR CO TAXON A C OO PP GENUS                SPECIES              QUANTITY UNIT TS   P SN  SP  AGSZ S YR MO  LT CNTRL# PUPS SPRT SSH
-- -- -- ----- - - -- -- -------------------- -------------------- ---------- ---- ---- - --- --- ---- - -- -- ---------- ---- ---- ---
US    TZ 0100  2 M PR CC PAPIO                ANUBIS                      10 ITEM LIVE C                W 82 05 238,122.00
                                                                                        0000471
US    TZ 0100  2 M PR CC PAPIO                ANUBIS                       9 ITEM LIVE C                W 82 05 239,618.00
                                                                                        0300432
US    TZ 0100  2 M PR CC PAPIO                ANUBIS                       7 ITEM LIVE C                W 82 08 258,266.00
                                                                                        0300421
US    TZ 0100  2 M PR CC PAPIO                ANUBIS                       6 ITEM LIVE C   3   3        W 82 09 230,122.00
                                                                                        0000510
US    TZ 0100  2 M PR CC PAPIO                CYNOCEPHALUS                 6 ITEM LIVE C                W 82 02  15,523.00
                                                                                        0000396
US    TZ 0100  2 M PR CC PAPIO                CYNOCEPHALUS                13 ITEM LIVE C   7   6        W 82 09 256,122.00
                                                                                        0000510
US    TZ 0400  2 M CA FE FELIS                SERVAL                       1 ITEM TROP P                W 82 05 233,919.10
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM SKIN P                W 82 07 250,407.10
                                                                                        0000133
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 02  15,526.00
                                                                                        0003352
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 02  15,527.00
                                                                                        0000000050
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 03  15,530.00
                                                                                        0000063
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 03 225,965.00
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 03 225,992.10
                                                                                        0000068
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 01 230,289.00
                                                                                        0000013
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 234,771.11
                                                                                        0000078
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 234,986.11
                                                                                        0300083
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 234,991.00
                                                                                        0300075
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 234,992.00
                                                                                        039636
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 234,993.00
                                                                                        0000368
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 235,013.00
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 03 235,014.00
                                                                                        0000090
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 235,018.00
                                                                                        0000084
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 235,019.00
                                                                                        0300389
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 235,020.00
                                                                                        0300493
US    TZ 0400  2 M CA FE PANTHERA             LEO                          1 ITEM TROP P                W 82 04 235,022.00
                                                                                        0300496
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Tanzania 2

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12/15/83                                      Leopard                                                                              PAGE 1032

              1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                                   US COUNTRY OF IMPORT SPECIMENS

CI CR CO TAXON A C OO FF GENUS                   SPECIES             QUANTITY UNIT TS   P SQ  SP  AGSI S YR MO  LE CNTRL# PWPO XPRT XSH
-- -- -- ----- - - -- -- ----------------------- ------------------ ---------- ---- ---- - --- --- ---- - -- -- ----------- ---- ---- ---
US    TZ 0480  2 W CA FE PANTHERA                LEO                        1 ITEM TROP P               W 82 04 235,023.00
                                                                                          0000093
US    TZ 0480  2 W CA FE PANTHERA                LEO                        1 ITEM TROP P               W 82 04 235,024.00
                                                                                          0000383
US    TZ 0480  2 W CA FE PANTHERA                LEO                        1 ITEM TROP P               W 82 04 235,025.30
                                                                                          0000392
US    TZ 0480  2 W CA FE PANTHERA                LEO                        1 ITEM TROP P               W 82 04 235,076.11
                                                                                          0000034
US    TZ 0480  2 W CA FE PANTHERA                LEO                        1 ITEM TROP P    1          W 82 03  15,528.00
                                                                                          0000059
US    TZ 0480  1 W CA FE PANTHERA                PARDUS                     1 ITEM SKIN P               W 82 07 250,407.[redacted]
                                                                                          0000133
US    TZ 0480  1 W CA FE PANTHERA                PARDUS                     4 ITEM TROP P               W 82 05 255,519.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   3 ITEM IBEA P               W 82 02  23,939.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   6 ITEM ICAR C               W 82 02  23,729.00
                                                                                          011146
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   7 ITEM ICAR C               W 82 05 234,078.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   3 ITEM ICAR P               W 82 03  23,906.00
                                                                                          0025565
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   2 ITEM ICAR P               W 82 03  23,908.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   2 ITEM ICAR P               W 82 02  23,941.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   4 ITEM ICAR P               W 82 02  23,954.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   6 ITEM ICAR P               W 82 02  23,984.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   1 ITEM ICAR P               W 82 02  23,985.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   2 ITEM ICAR P               W 82 02  23,986.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   6 ITEM ICAR P               W 82 08 249,382.00
                                                                                          [redacted]
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   4 ITEM ICAR P               W 82 12 263,481.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   3 ITEM IJWL P               W 82 03  23,906.00
                                                                                          0025565
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   3 ITEM IJWL P               W 82 03  23,908.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                  16 ITEM IJWL P               W 82 01  23,945.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   5 ITEM IJWL P               W 82 08 249,522.00
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   1 ITEM IJWL P               W 82 11 260,667.30
US    TZ 0540  2 W PB EL LOXODONTA               AFRICANA                   3 ITEM SKIN P               W 82 04 236,771.10
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United Arab Emirates

Wolf

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              1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                               US COUNTRY OF IMPORT SPECIMENS

CI CR CO TAXON A C OO FF GENUS                    SPECIES               QUANTITY UNIT TS   P SM  SP  AUSI S YR MO  LE CNTRL# AUPO EPRT ESH
-- -- -- ----- - - -- -- -----------------------  -----------------  ---------- ---- ---- - --- --- ---- - -- -- ---------- ---- ---- ---
US    AE 0420  2 M CA CN CANIS                    LUPUS                     1 ITEM LGPD C               W 82 08 251,872.00
US    AE 0985  2 B PS KA CACATUA                  GALERITA                  1 ITEM LIVE P               W 82 01 224,997.00
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 1 ITEM LIVE P               W 82 07 250,370.30
US    AE 1250  1 R TE CL CHELONIA                 MYDAS                     1 ITEM SHEL P               W 82 01  23,526.00
US    AE 0940  2 M PB EL LOXODONTA                AFRICANA                  2 ITEM IPRD P               W 82 01  23,946.00
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 2 ITEM LIVE P               W 82 05 235,760.00
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 2 ITEM LIVE P               W 82 05 235,766.00
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 2 ITEM LIVE P               W 82 06 239,421.00
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 2 ITEM LIVE P               W 82 02 239,527.00
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 1 ITEM LIVE P               W 82 02 239,530.00
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 1 ITEM LIVE P               W 82 02 239,531.00
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 2 ITEM LIVE P               W 82 06 249,997.33
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 1 ITEM LIVE P               W 82 08 250,009.00
US    AE 0990  2 B PS PS PSITTACUS                ERITHACUS                 1 ITEM LIVE P               W 82 08 250,015.00
US    AE 0320  1 M RO CH CHINCHILLA               LANIGER               1,006 ITEM SKIN C               C 82 05 235,375.00
                                                                                           1903
US    AE 0320  1 M RO CH CHINCHILLA               LANIGER                 343 ITEM SKIN C               W 82 05 235,375.00
                                                                                           030123
US    AE 0420  2 M CA CN DUSICYON                 GRISEUS                   2 ITEM GRMT C               W 82 11 263,434.00
US    AE 0420  2 M CA CN DUSICYON                 GRISEUS                   1 ITEM GRMT C               W 82 11 263,459.00
US    AE 0420  2 M CA CN DUSICYON                 GRISEUS                   1 SHIP GRMT C               W 82 12 263,489.00
                                                                                           031285
US    AE 0420  2 M CA CN DUSICYON                 GRISEUS                   1 ITEM LGPS P               W 82 02 224,645.00
                                                                                           030277
US    AE 0420  2 M CA CN DUSICYON                 GRISEUS                  22 ITEM SKIN C               W 82 06 235,374.30
                                                                                           030636
US    AE 0420  2 M CA CN DUSICYON                 GRISEUS                   1 ITEM SKIN C               W 82 10 263,491.30
                                                                                           031038
US    AE 0450  2 M CA MS CONEPATUS                HUMBOLDTII                1 ITEM GRMT C               W 82 11 263,459.30
                                                                                           031166
US    AE 0450  2 M CA MS CONEPATUS                SP                        8 ITEM GRMT C               W 82 06 251,213.00
                                                                                           030639
US    AE 0450  2 M CA MS CONEPATUS                SPECIES                   3 ITEM GRMT C               W 82 06 251,213.00
                                                                                           030539
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Zimbabwe 1

12/15/83

African Lion

1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
US COUNTRY OF IMPORT SPECIMENS

CI	CR	CO	TAXON	A	C	OO	PP	GENUS	SPECIES	QUANTITY	UNIT	TS	P	SM	SP	AGSZ	S	YR	MO	LE CNTRL#	PWPO	EPRT	ESH
US		ZW	0480	2	M	CA	FE	FELIS	LIBYCA	1	ITEM	TROP	P				W	82	02	224,467.10			
US		ZW	0480	2	M	CA	FE	FELIS	LIBYCA	1	ITEM	TROP	P				W	82	04	235,078.12			
US		ZW	0480	2	M	CA	FE	FELIS	SERVAL	1	ITEM	TROP	P	EHS/93/BYO			W	82	03	224,463.00			
US		ZW	0480	2	M	CA	FE	FELIS	SERVAL	1	ITEM	TROP	P				W	82	02	224,467.00			
US		ZW	0480	2	M	CA	FE	FELIS	SERVAL	1	ITEM	TROP	P	*A			W	82	03	230,302.00			
US		ZW	0480	2	M	CA	FE	FELIS	SERVAL	1	ITEM	TROP	P				W	82	12	263,240.11			
US		ZW	0480	2	M	CA	FE	FELIS	SERVAL	1	ITEM	TROP	P	03399			W	82	10	263,241.11			
US		ZW	0480	2	M	CA	FE	FELIS	SERVAL	1	ITEM	TROP	P				W	82	11	265,761.30			
US		ZW	0480	2	M	CA	FE	FELIS	SILVESTRIS	1	ITEM	TROP	P	03351			W	82	11	262,327.10			
US		ZW	0480	2	M	CA	FE	FELIS	SILVESTRIS	3	ITEM	TROP	P	EHS/BYO/32			W	82	11	263,681.10			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	2	ITEM	SKIN	C	03342			W	82	02	224,666.11			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	SKIN	P				W	82	07	235,050.10			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	SKUL	P				W	82	01	224,424.11			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	C				W	82	07	230,414.10			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	03	224,355.00			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	03	224,421.11			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	01	224,429.10			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	01	224,430.12			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	02	224,462.00			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P	675/91			W	82	03	230,206.10			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P	EHS/BYO/59			W	82	01	230,279.30			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P	828131			W	82	04	235,041.12			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P	736/81			W	82	06	235,043.30			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	05	235,045.11			
US		ZW	0480	2	M	CA	FE	PANTHERA	LEO	1	ITEM	TROP	P				W	82	05	235,046.12			

Zimbabwe 2

Leopard

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12/13/83                                                                                              PAGE 1099
              1982 INTERNATIONAL TRADE, INVOLVING THE UNITED STATES, IN CITES-PROTECTED SPECIES OF PLANTS AND WILDLIFE
                                                         US COUNTRY OF IMPORT SPECIMENS

CI CR CO TAXON A C OS PP GENUS                 SPECIES                QUANTITY UNIT TS   P SN  SP  AGSI S YR MO  LE CNTRL# PUPO EPRT ESH
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US    ZW 0480  2 M CA PE PANTHERA              LEO                           1 ITEM TROP P              W 82 09 250,392.10
                                                                                            913/82
US    ZW 0480  2 M CA PE PANTHERA              LEO                           1 ITEM TROP P              W 82 09 250,439.00
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US    ZW 0480  2 M CA PE PANTHERA              LEO                           4 ITEM TROP P              W 82 08 251,941.10
                                                                                            845/010/17
US    ZW 0480  2 M CA PE PANTHERA              LEO                           1 ITEM TROP P              W 82 10 262,513.11
                                                                                            *
US    ZW 0480  2 M CA PE PANTHERA              LEO                           1 ITEM TROP P              W 82 12 262,536.00
                                                                                            968/82
US    ZW 0480  2 M CA PE PANTHERA              LEO                           1 ITEM TROP P              W 82 11 263,247.10
                                                                                            932/82
US    ZW 0480  2 M CA PE PANTHERA              LEO                           1 ITEM TROP P              W 82 12 263,264.00
                                                                                            00372
US    ZW 0480  2 M CA PE PANTHERA              LEO                           1 ITEM TROP P              W 82 11 263,266.00
                                                                                            939/82
US    ZW 0480  2 M CA PE PANTHERA              LEO                           1 ITEM TROP P              W 82 11 263,268.00
                                                                                            V P 72
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM SKIN P              W 82 11 263,249.00      9044
                                                                                            6
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 08 250,411.00
                                                                                            *
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 07 250,412.00
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 09 251,363.00      8948
                                                                                            VP 62
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 09 251,384.00      9146
                                                                                            D30160
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 09 251,571.00      9020
                                                                                            845/010/82
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 09 253,111.00      9421
                                                                                            86 15/82
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 06 255,332.00      9126
                                                                                            82/3/863/8
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 09 255,753.00      9610
                                                                                            VP.39
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 11 262,510.00      9416
                                                                                            892/82
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 10 262,514.00
                                                                                            846/622/82
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 11 262,541.11      9286
                                                                                            933/82
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 11 262,558.00      9454
                                                                                            880/82
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 10 263,242.00      9124
                                                                                            945/82
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 10 263,246.00      9496
                                                                                            *
US    ZW 0480  1 M CA PE PANTHERA              PARDUS                        1 ITEM TROP P              W 82 10 263,250.00
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Mr. **Waxman**. Our third panel includes Dr. John Grandy, vice president for Wildlife and Environment, Humane Society of the United States; Christine Stevens, secretary, Society for Animal Protective Legislation; Louis Regenstein, vice president of the Fund for Animals; James Goodrich, senior vice president of the Wildlife Legislative Fund of America; and J. Hibbard Robertson, executive vice president of the Woodstream Corp.

We would like to welcome these witnesses to our hearing today.

Let me again point out that we have the prepared statements. They will be made part of the record in full.

We would like to ask you to summarize your testimony in no more than 5 minutes. Before I call on our first witness, Mr. Scheuer.

Mr. **Scheuer**. I wish to welcome Christine Stevens, who is here from New York. I have known her since I first became a Congressman, yea, these 20 long years ago, and I wish to protest and I wish to lodge some kind of a complaint because the quality of her leadership has been so spectacular, her energy has been so unflagging and so unremitting, the pressure that she has brought us under has been so unremitting, the pain that she has been inflicting us with by her prodding and nudging, the threshold of pain has approached that of inhumanity of man unto man.

Mr. **Walgren**. Nudging?

Mr. **Scheuer**. That is a New York expression meaning the sharp stick delivered by pen, tongue, telephone, by personal meeting, by camping outside your office. I am afraid her methods have bordered on the inhumane to her fellowman, especially the 535 of us here in the House and Senate.

But, seriously speaking, I do want to congratulate Christine Stevens on her marvelous example of leadership without which we wouldn't be here today considering this bill. I think that is a safe statement and I think it shows that Government can't do it all, that without enlightened and thoughtful and committed private citizens working through their nonprofit organizations, committed to the principle that they have an idea that is worth enhancing, they have a moral point of view that they want to share with the public and with the Congress, that is an indispensable part of our Government and there are very few governments around the world in which private leadership, coming from the communities all over America play this kind of role.

There is none, absolutely none anywhere. I want to congratulate Ms. Stevens particularly and her colleagues for the oustanding role that they have played over the past decades.

Mr. **Waxman**. Thank you very much. We want to welcome Ms. Stevens and all the other members of this panel and all the other witnesses appearing today.

Let's start with Dr. Grandy for testimony.

STATEMENTS OF JOHN W. GRANDY, VICE PRESIDENT, WILDLIFE AND ENVIRONMENT, HUMANE SOCIETY OF THE UNITED STATES; CHRISTINE STEVENS, SECRETARY, SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION; J. HIBBARD ROBERTSON, EXECUTIVE VICE PRESIDENT, WOODSTREAM CORP.; JAMES GOODRICH, SENIOR VICE PRESIDENT, WILDLIFE LEGISLATIVE FUND OF AMERICA; AND LOUIS REGENSTEIN, VICE PRESIDENT, FUND FOR ANIMALS, ACCOMPANIED BY HOPE RYDEN ON BEHALF OF FUND FOR ANIMALS

Mr. **Grandy**. Thank you. My name is John Grandy, vice president for Wildlife of the Humane Society of the United States.

I am also the president of the Monitor Consortium of Animal Welfare and Conservation groups.

I am pleased to be here today, Mr. Chairman, to offer strong support for these efforts to end the use of the leg-hold trap. I want to commend you, this committee, and Congressman Long for the fine work you have done in holding these hearings. And I commend Congressman Long particularly for introducing this fine legislation.

We do have suggestions and those are contained in full in our statement. Obviously we are strongly opposed to the cruelty, the nonselectivity of the leg-hold trap. We are also opposed to the way the animals are killed and used, but I don't want to dwell on those things at this time.

I want to address some of the issues that have been brought up by other witnesses. Most specifically, as a professional wildlife biologist, I want to address some of the comments that have been made with respect to diseases such as rabies and others and with respect to the management of our national wildlife heritage.

Rabies is the most alarming of the infectious diseases cited by trappers. There is seemingly a sense of urgency in the need to protect the public against rabies and trappers have used this situation to good advantage, but fear of rabies is not a justification for trapping. Indeed, a 1973 National Academy of Sciences report on rabies control recommended the abolition of long-term trapping programs for the purpose of controlling rabies. The Academy found no evidence that such programs reduced wildlife disease reservoirs or the incidence of rabies. Moreover, the July 1976 issue of the Veterinary Public Health notes a publication of the Federal Center for Disease Control stated that rabies is not endemic in rodents. The publication further states that there is no evidence that these few confirmed cases of rabies in rodents play any substantial role in the spread of rabies.

A case of human rabies has never been traced to a rodent yet the primary animals killed by trappers, muskrat, nutria, and beaver, account for approximately 62 percent of the total annual kill of fur-bearers in the United States and are all rodents.

Also, the bat, a primary carrier of rabies, is not trapped at all and skunks, another major carrier, are not intensively trapped. Thus the animals which are presumably the principal carriers of rabies account for only 14 percent of the annual fur kill.

The claims that steel-jawed traps are needed to control other infectious diseases such as plague or Rocky Mountain spotted fever, are even more unbelievable because the trapped animals are only the occasional host for the parasites which transmit the diseases. Indeed, the host is often a rodent or a companion animal.

Mange and distemper are other diseases which trappers claim to control. However, we know that the common symptoms of these afflictions include lethargy and loss of appetite. Even trapping proponents admit that it is usually the active, healthy animal rather than the infected carrier that is taken in traps.

By removing healthy animals and leaving diseased ones at large, the trapper may be contributing to the further deterioration of the wildlife population's general health.

Mange and distemper cannot be treated prophylactically. Such an approach has the logic of instituting the random euthanasia of humans as a technique for eliminating smallpox or cancer. Who among us would want to volunteer for euthanasia so as to be spared the risk of cancer or smallpox?

Similarly, wild animals, if they could exercise a preference, would opt for the risk of contracting mange rather than submitting to the kindly bludgeoning by a trapper.

A corollary to the claim that trapping is necessary for disease control is the argument that trapping is essential to the control of wildlife populations. It is said that without trapping fur-bearers would overpopulate the land with resultant problems from starvation.

However, a moment's thought renders the claims preposterous because the animal targets of commercial trapping are not picked according to the population levels, but rather according to the fur market.

The animal whose fur draws the largest price is the animal the trapper wants to trap irrespective of biological factors. In fact, it is often the rarest animal that demands the highest pelt price and therefore is subject to the most intense pressure.

Thank you, Mr. Chairman.

[Testimony resumes on p. 373.]

[The prepared statement of Mr. Grandy follows:]

STATEMENT OF JOHN W. GRANDY

Testimony On
H.R. 1797, A bill to end the use of steel-jaw traps on animals in the United States and abroad

Thank you, Mr. Chairman and members of this Committee. My name is Dr. John W. Grandy. I am Vice-President for Wildlife with The Humane Society of the United States. I am also President of the Monitor Consortium of Animal Welfare and Conservation Organizations and am Treasurer of the American Committee for International Conservation. I hold a bachelor's degree in forestry and wildlife management from Virginia Polytechnic Institute and a master's degree and Ph.D. in wildlife biology and ecology from the University of Massachusetts, Amherst.

I very much appreciate the invitation to present testimony today on behalf of The Humane Society of the United States and its more than 250,000 members and constituents nationwide.

Initially, I want to commend this Committee, and you, Mr. Chairman, for holding these hearings. It is long past time that the Congress of the United States dealt positively with the barbaric cruelty and incredible animal suffering caused by the steel-jaw leghold trap. In a civilized nation, we can no longer allow the suffering and destruction to continue.

Congressman Clarence Long must be commended by this Committee and the people of this country for continuing to introduce legislation to bring an end to the use of the leghold trap. The Humane Society of the United States strongly supports Congressman Long's H.R. 1797. This legislation will provide a valuable step forward in the effort to rid this nation of the use of the leghold trap. We suggest, however, that as and when this legislation is passed out of this Committee and Congress that it be modified to ban the interstate commerce of all animal skins from any state which has not banned the use of the steel-jaw leghold trap. We believe that such a provision would make H.R. 1797 even more effective in achieving a ban on the use of the leghold trap.

Mr. Chairman and Committee members, as you know, many excuses and much presumably logical rationale is presented by trappers to support continuing use of the leghold trap. For the convenience of this Committee, the staff of the Humane Society of the United States, most particularly Mr. Guy Hodge and myself, have undertaken to assemble in this testimony our strong objections to the use of steel-jaw trap, as well as a refutation of the most commonly used defenses for such traps. We present these in the pages which follow.

HISTORY

A combination of greed and shortsightedness has often precipitated an indifferent attitude toward the welfare of animals that are economically valuable. As a group, the furbearers have been subjected to one of the most concentrated, unyielding, and enduring attacks attributable to man. These animals have been systematically slaughtered because of their valuable fur. Man has killed animals for their fur in global numbers that total in the billions of skins.

The commercial trapping of wildlife was among the earliest industries to become established in the colonies of America. Today, however, only approximately 300,000 persons trap wild animals for their skins. Trappers supply 20% to 45% of the raw furs produced within the United States for an industry which, in 1983, reaped in excess of one billion dollars in estimated retail dollar sales of fur garments. Behind this seemingly innocuous profit statement is the shortsighted extermination of furbearing wildlife and an apparent insensitivity to the animal suffering caused by the barbaric steel-jaw trap.

Today, in a maturing and sensitized world, trappers are confronted with mounting criticism of the methods they employ in the killing of furbearers. Reports gathered from animal welfare agencies throughout the United States have shown that steel-jaw leghold traps regularly inflict incredible suffering and torment upon animals. This cruelty to pets and wildlife must stop.

The issue of animal traps and trapping, however, is not new. A century earlier, in August 1863, Charles Darwin penned an appeal against the use of steel-jaw traps, a device which he charged "consigns thousands of animals to acute agony." In the United States opposition to steel-jaw traps can be traced back to as early as 1901. Organized trapping reform activities in this country were first initiated in 1925 by the National Anti-Steel Trap League.

Today, the basic tool of the trapper remains the steel-jaw leghold trap. This spring-powered trapping instrument features two metal jaws which clamp shut on an animal's leg when triggered by the weight of an animal depressing a weight-sensitive pan. Collectively, there are more than fifty models of steel-jaw traps. Traps may be powered by either coil or long springs. Models are produced with an auxiliary guard arm to hold the caught limb in an extended position--a device intended to prevent the animals from twisting or gnawing its limb free. Traps may also be made with offset jaws which produce a gap in the closed jaws.

CRUELTY

The basic objection to the steel-jaw trap is that this device closes on an animal's limb with such velocity and holds its leg with such force that it causes painful and inhumane injury. The trap jaws must close quickly to prevent the animal from withdrawing its leg and avoiding capture. The trap, when triggered by the weight of an unsuspecting animal, slams shut, with the jaws often cutting into the leg of its victim. Frequently, the powerful grip of the trap, which provides sufficient tension to prevent easy opening of the jaws, combines with the animal's attempt to escape to result in torn flesh and ligaments and broken bones. This assessment of the steel-jaw trap is vehemently disputed by trapping advocates. Yet, the available data attests to the high frequency and extreme severity of serious injuries to trapped animals. In fact, the HSUS and other animal welfare organizations have developed a voluminous record on animals, principally dogs and cats, which have been injured in steel-jaw traps. Furthermore, scientific research by wildlife biologists has been supportive of the Humane Society's evaluation. For example, a Canadian Wildlife Service Report (Series #8, 1969) graphically describes injuries to victims of the steel-jaw trap: "The stomachs of (trapped) Artic foxes ....often contain parts of their own bodies. They may swallow fragments of their teeth broken off in biting the trap, and sometimes part of a mangled foot; almost every stomach contains some fox fur, and a considerable number contain pieces of skin, claws or bits of bone ...."

Despite such irrefutable evidence of extreme cruelty, trappers persist in defending trapping by stating that trapped animals are routinely found lying quietly or asleep. The implications in such a statement are rationally and scientifically preposterous. First, it is inconceivable that a healthy wild animal would remain calm and inactive while immobilized by a steel-jaw trap and confronted by an approaching trapper. What then does explain such circumstances? Neurophysiologist Dr. Charles Vierck stated at the 1975 convention of the American Veterinary Medical Association that "after extended experiences with pain, animals may not display the acute pain reactions at all. For example, rather than being energized, they could become quiet and withdrawn and give little overt behavioral evidence of pain." This state is rather like shock. Thus, trapped animals which appear quiet are most likely suffering exhaustion from their struggles to escape combined with the pain-induced withdrawal response described by Dr. Vierck.

To demonstrate that the steel-jaw trap does not cause suffering to its victims some trappers have closed traps on their own hands at past legislative hearings. These blatant attempts at deception only insult the intelligence of the legislators, while demeaning the integrity of the trappers themselves. There is no comparison between a person carefully closing a small trap, designed for a two-pound animal, on his own hand and an animal being suddenly immobilized and held for 24 hours or longer by a pair of steel-jaws sometimes nearly as big as it is. Moreover, trappers and humanitarians alike know that injuries are caused both by the force of the jaws closing and the frantic attempts of the animal to pull, twist, or wrench free.

NONSELECTIVITY

The nonselectivity of the steel-jaw trap is a second concern of animal welfare organizations. The trap will indiscriminately close on virtually any animal which touches the pressure-sensitive triggering mechanism. Nontarget animals are attracted to baits and lures. Furthermore, blind sets, by definition, are most often set in animal trails where animals are caught randomly. A series of wire service articles released in 1973 reported on the deaths of bald and golden eagles caught in steel-jaw traps which had been set in Western states to capture coyotes and bobcats. A federal game management agent claimed that in excess of 2,500 eagles had been caught in Nevada alone during the winter of 1972-73 and, of that total, in excess of 630 birds had died from exposure. In addition to raptors, other animals which are regularly victims of steel-jaw traps include waterfowl, songbirds, domestic pets, wild ungulates, livestock, and nongame mammals.

The New Jersey Branch of The Humane Society of the United States determined, based on reports to humane society investigators, that at least 1,000 pets were caught in steel-jaw traps set within the state from 1976 to 1979. Clippings of newspaper articles on trapped pets continue to arrive regularly in the offices of The Humane Society of the United States. Several of these incidents involved pets playing in the yards of their owners and one dog was being walked on a leash when it stepped into a steel-jaw trap.

Some of these traps were set legally, in accordance with the trapping regulations of the various states and communities, while some were set without regard for trapping regulations. Some devices were set by persons who identified themselves as experienced trappers and some by juveniles who were novices. However, for the dogs, cats, and other unintended victims of the steel-jaw trap, it does not matter who set the trap or why. They suffer the same terrifying and painful experiences of stepping into the traps as wild animals. Some have limped home dragging traps that still clutched their legs. Some have spent hours or days in traps awaiting rescue and some have perished in the grip of these instruments of torment.

Trappers attempt to soften the issues by admonishing pet owners not to allow dogs and cats to run at large. They suggest that such incidents are excusable because owners were violating animal control ordinances. In truth, only the most urbanized communities restrict the activities of companion animals and those laws apply almost exclusively to dogs. However, the issue is not the occasional dog that runs loose, but rather the blatant, unjustifiable cruelty inflicted on tens of millions of animals each year by the steel-jaw trap.

The extent of nontarget animals victimized by the steel-jaw trap undoubtedly varies from area to area. The Denver Wildlife Service conducted a twenty-year study of population changes of carnivores in localities of New Mexico, Colorado and Wyoming where predator control operations were conducted by the federal government. Seldom B. Robinson, writing in the Journal of Mammalogy (Volume 42, Number 4, November 1961), reported that among steel-jaw traps set for coyotes and bobcats, nontarget animals accounted for 78.0% of the total number of animals caught. Moreover, injuries were, unfortunately, not a rare occurrence. In fiscal year 1977, in the Government's predator control program, a total of 9,581 nontarget animals were taken with 6,528 deaths. The steel-jaw trap is the implement primarily responsible.

Finally, a five-year study conducted by the Ontario Department of Lands and Forests (Technical Bulletin, Wildlife Series #8, November 1959) showed that on two traplines using steel-jaw traps, 1,350 unwanted birds and mammals were caught while only 561 target furbearers were caught.

METHODS BY WHICH TRAPPED ANIMALS ARE KILLED

There is yet another aspect of the trapping issue--the methods by which trappers kill the animals caught in steel-jaw traps. Newspaper reporter John Pennington accompanied a Florida trapper as he checked his trapline. Mr. Pennington's recollection of an encounter with a raccoon was printed in the March 11, 1979 issue of Floridian magazine, a publication of the St. Petersburg Times:

> "The raccoon did not run away as we sloshed downstream toward it. Running was not an option. One of its feet was held tightly in a No. 2 steel trap.
>
> "The trapper I was with paused momentarily appraising the animal for size and quality of fur. 'Look at those ears,' he said. 'That old fellow has been in plenty of fights.'
>
> "Then, with a carpenter's hammer that is standard equipment on his trapline, he aimed a blow at the raccoon's head

> intended to fulfill the trapper's promise of a quick and humane death for animals caught in leghold traps.
>
> "When the trapper opened the jaws of the trap, the raccoon, frothing blood, attempted to crawl away. Not dead yet. With one quick motion the trapper grabbed the wounded animal by its hind legs, swung the body in a smooth arc, and crunched its skull against a log.
>
> "That ended the raccoon's struggles. His fighting days were over, his life traded for his fur. On that day, his fur was worth $12 to the trapper."

Trappers apparently take this horror in stride. They assert that it is part of "doing business in a cold harsh world." They have coined the term "wring-off" to describe what happens to the leg of an animal which escapes from steel-jaw traps by chewing or wringing off its foot. Trappers often portray themselves as rugged individualists committed to the husbandry of wildlife. They promote trapping as a profitable form of outdoor recreation for youth. Albeit, beating and stomping trapped animals to death is, indeed, a curious form of recreation.

MODIFICATIONS TO THE STEEL JAW TRAP

Faced with the increasingly effective efforts of animal welfare organizations to eliminate the steel-jaw trap, the trapping industry is now showing a belated interest in what industry officials call modifications or improvements to the conventional steel jaw trap. Indeed, The Woodstream Corporation is heralding the marketing of a new padded trap which they recently introduced, as the panacea to the injuries to trapped animals. In addition to padding, the trap contains modifications such as swivels, parts already in use in standard steel-jaw traps without perceptibly improving the humaneness of these devices.

The concept of a padded trap is not novel. As early as 1937, Chas. D. Briddell, Inc. of Crisfield, Maryland offered a "Cush-in-Grip" trap and the technique of padding traps was subsequently refined by Dr. Harry Coulombe at San Diego State in 1972. Defenders of Wildlife (DOW) provided samples of this trap to Mike Thorniley, a biologist with the Washington Game Department, for field testing. Prototypes of the Coulombe trap were exhibited at hearings in Illinois, West Virginia and other states. Steve Seater of DOW travelled to Lititz to discuss with officials of the Woodstream Corporation the possibility of manufacturing a padded trap. But the proposal was dismissed as impractical and unworkable. They complained that cold weather would harden the padding, animals would chew through the padding, and the pads would retain human scents, and they pointed to the failure of Briddell, Inc. to find a market for a padded trap. Based on the objections of trap manufacturers and trappers the push for a padded trap was abandoned as pointless.

Because of the history of padded traps, animal welfare organizations are quite suspicious about the sudden appearance of a new padded trap. Moreover, the trappers' objections to a padded trap seemed to dissipate with the passage of anti-trap legislation in Rhode Island, Massachusetts, and New Jersey. Given this history, it is clear, we believe, that the Woodstream trap is but the latest in a succession of tactics to thwart passage of laws banning steel jaw leghold traps.

TRAPPING AND DISEASE CONTROL

Trappers regularly characterize the steel-jaw trap as an essential tool in safeguarding the public not only against rabies, but tularemia, plague, Rocky Mountain spotted fever, and leptospirosis. The rationale behind trapping as a method of disease control is presumably that the removal of animals should lessen the opportunity for interaction and, thereby, reduce the opportunity for transmission of a wildlife disease. Trappers further argue that the steel-jaw trap is the only effective method to regulate furbearer populations.

The fundamental flaw in this argument is that state and federal wildlife management programs are anthropocentric, operated as they are on the assumption that so-termed "wildlife resources" exist for the use and benefit of man. Wildlife management programs, as currently administered, focus largely on the killing of individual species by people. Populations of furbearing wildlife are supposed to be managed on a "sustainable yield" basis. Annual kills are presumably designed to assure that only the portion of the population not needed to retain optimum breeding numbers, termed the "surplus," is trapped in a single killing season. Thus, theoretically, any population loss is short-term because populations of furbearers retain their reproductive potential, and, with gains in numbers during breeding seasons, will return to their previous population density by the next trapping season. For example, in the Spring 1984 issue of "Maine Fish and Wildlife" the state Division of Wildlife states that the goals of their furbearer program are "to prevent trapping and hunting from decreasing average annual animal harvests" and "to provide (trappers) an opportunity to harvest an allowable surplus."

While the concept of sustainable yield management may be commercially advantageous because it presumably assures a continuing supply of furbearers for trappers to kill, it is blatantly inconsistent with the claimed necessity for suppressing furbearer populations to prevent disease. In truth, rather than suppressing populations to a density which will eliminate animal damage (or disease) problems and encouraging populations which are in harmony with their environment, wildlife management policies today promote abnormally high reproduction rates and populations as a way of providing animals to be killed for sport and recreation.

Rabies is the most alarming of the infectious diseases cited by trappers. Rabies, together with the plague, holds a special place in medical lore. Fear of rabies is prompted by the realization that there is no hope of survival for a victim of this virus.

One thing rabies is and long has been is a dandy excuse for trapping. There is seemingly a sense of urgency in the need to protect the public against rabies and trappers have used this situation to good advantage. But fear of rabies is not a justification for commercial or sport trapping. Indeed, a 1973 National Academy of Sciences "Report on Rabies Control" recommended the abolition of long-term trapping programs for the purpose of controlling this disease. The Academy found no evidence that such programs reduced wildlife disease reservoirs or the incidence of rabies.

Moreover, the July 1976 issue of "Veterinary Public Health Notes," a publication of the Federal Center for Disease Control, stated that rabies is not endemic in rodents. The CDC publication further states that "there is no evidence that these few confirmed cases (of rabies) in rodents play any substantial role in the spread of rabies.... A case of human rabies has never been traced to a rodent...." Yet the primary animals killed by trappers--muskrat, nutria, and beaver--account for approximately 62% of the total annual kill of furbearers in the United States and are members of the taxonomic order Rodentia. Also, the bat, a primary carrier of rabies, is not trapped at all, and skunks, another major carrier, are not intensively trapped because of the nominal market value of their skins. In fact, the average annual kill of commonly infected species, as reported for the six year period through 1976, was spotted skunks 4,091; striped skunks 48,461; gray foxes 89,137; raccoons 2,183,633 and red foxes 197,791. Thus, the animals which are presumably principal carriers of rabies account for only 14% of the annual fur harvest.

The claims that steel-jaw traps are needed to control other infectious diseases such as the plague or Rocky Mountain spotted fever are even more unbelievable because trapped animals are only the occasional host for the parasites which transmit these diseases. Indeed, the host often is a rodent or companion animal, species not intentionally killed by trappers.

Mange and distemper are other diseases which trappers claim to control. However we know that the common symptoms of these afflictions include lethargy and loss of appetite. Even trapping proponents admit that it is usually the active, hungry, healthy animal rather than the severely infested carrier that is taken in trap sets. By removing healthy animals and leaving diseased ones at large, the trapper, in some instances, may be contributing to the further deterioration of the wildlife population's general health. Furthermore, mange and distemper cannot be treated prophylactically among wildlife populations by commercial or sport trapping. Such an approach has all the logic of instituting the random euthanasia of humans as a technique for controlling small pox. That analogy may help to place the wildlife management issue in perspective. Who among us would want to volunteer for euthanasia so as to be spared the risk of developing small pox? Similarly, most wild animals, if they could exercise a preference, would opt for the risk of contracting mange rather than submitting to "kindly" bludgeoning by a trapper.

A corollary to the claim that trapping is necessary for disease control is the argument that trapping is essential to the control of wildlife populations. It is said that without trapping, furbearers would overpopulate the land with resultant problems from starvation or destroyed habitat. However, a moments thought renders the claims preposterous because the animal targets of commercial trapping are not picked according to the alleged need to cull populations.

Rather, commercial trapping exists, by definition, because there is a market for furs. Fur fashion trends act in complete independence of wildlife management considerations. The animal whose fur draws the largest price is the animal the trapper wants to trap, irrespective of biological factors. In fact, it is often the rarest animal that commands the highest pelt prices and, therefore, is subjected to the most intense trapping pressure. In short, trappers are not trying to eliminate starvation in wild animal populations, rather trappers are killing and skinning animals for, admittedly, fun and profit.

Trappers also claim to be useful pruners of nature, "harvesting" a surplus which would otherwise die from natural causes and utilizing a resource which otherwise would be wasted. Of course, nothing in nature is wasted. Each animal plays an equally important role in the chain of life. Each death of a wild animal is interrelated with the survival of other creatures. Animals which survive to maturity are not simply part of a "surplus"; indeed, their survival may be evidence of genetic superiority and a reason for sparing their lives.

Trappers remind us that for many wild animals death may not be swift or merciful. But the inherent cruelty of nature does not excuse the wanton infliction of pain by man.

Ethologist Jane Goodall has noted:

> It is in fact, only man who kills with complete awareness of the suffering he may inflict; only man, therefore, who can be guilty of deliberate torture. The history of mankind, if one pauses to think back over the years, is lurid with the so-called inhuman acts of humans and, indeed, the infliction of torture seems to be part of man's heritage. Torture of men and animals alike. And man, it seems, has always been fascinated, in some way, by suffering and death.

Clearly, animals caught in the jaws of a steel trap suffer a slow painful demise. Congressman Don Young of Alaska testified at the 1975 Congressional hearings on painful trapping devices that "four days is about an average period of time" to elapse between visits to trap sets in Alaska. The U.S. Fish and Wildlife Service adheres to a seventy-two-hour schedule noting, with incredible calousness, that "most animals can survive that long."

REGULATION OF TRAPPING

Trapping proponents argue that their activities are controlled by rigid laws and regulations that safeguard against animal suffering. The conduct of trappers is said to be further governed by aggressive law enforcement programs which are administered by state fish and game agencies.

However, the adequacy of trapping laws and regulations is highly questionable at best. Information compiled by The Humane Society of the United States indicated that as of 1979:

> Thirteen states placed no restrictions on the use of steel-jaw traps during the open season on furbearers.
>
> Only 21 states required the inspection of trap sets at intervals of not more than 24 hours, while an additional 11 states required the inspection of trap sets at time intervals varying up to 7 days. Alaska, Illinois, Florida, Montana, North Dakota and Texas had no trap check requirement. In Michigan, the twenty-four hour requirement applied only to traps set for beaver and otter.
>
> Despite assertions that manufacturers have curtailed production of toothed steel-jaw traps, only 12 states prohibited the use of such devices, and those traps which remain in the possession of the trapping public may legally be used in the remaining 38 states.
>
> Trappers claim that juveniles and novices are responsible for an overwhelming majority of the incidents in which trapped animals are injured, maimed, or killed. Yet 12 states actually exempted youth from trapper licensing requirements until they reach fourteen to sixteen years of age. New Jersey is unique in that it prohibits anyone under the age of twelve from trapping.

And, the situation is no more satisfactory now. Indeed, as the following material indicates, the "regulations" "governing" trapping are an assault on the rights and welfare of the very animals that should be protected.

Trapping laws and regulations vary widely throughout the country. Not surprisingly, the more rural states have weaker trapping regulations than the more populous states. Most states had some licensing and reporting provisions for trappers and fur dealers. Some states require specific licenses to trap on their lands. Alabama, Utah, Wyoming and others exempt trappers from licensing if they are trapping certain species.

Presently, Florida and Rhode Island have bans on leghold traps allowing their use only with special permission for nuisance animal control. Many other states restrict the use of larger size leghold and conibear traps. These restrictions have been largely motivated by concern for damage to nontarget animals. In 1979, twenty-three states restricted the size of leghold traps and twenty-two states restricted the size of conibear traps. Other states restricted the use of certain size leghold traps on certain species. North Carolina restricted the trap in several counties. In South Carolina use of the trap in each county must be approved by the state legislators from that county. Massachusetts has banned legholds for land trapping, although they may be used on a person's own property under buildings. Connecticut and Tennessee have banned them on land except when used in burrows. Twenty states restricted the use of teeth and other sharp edges on leghold traps. Eight states (Arkansas, Indiana, Nevada, North Carolina, Oklahoma, Oregon, Utah, Washington) required that offset jaws (a small space between the jaws to prevent them from completely closing) be used, although that is true only for certain size traps in six of those states. Tension devices, used to reduce the chance of a nontarget animal triggering the trap, are mandatory in California.

Although the Conibear trap was restricted in twenty-two states, in fourteen of the twenty-two states exceptions were allowed (usually for submerged sets). Conibear traps were illegal for land sets in three states (Massachusetts, New Jersey, and West Virginia) and were completely banned in Florida and Oklahoma. Seven states (Colorado, Idaho, Montana, North Dakota, South Dakota, Texas and Wyoming) had no restrictions at all on the types of traps which may be used. Pitfalls, which are nothing more than camouflage holes dug in the ground, were banned in Alaska, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Mexico, North Carolina. Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, and Wisconsin. Deadfalls, in which a heavy object is positioned to fall on the animal, were not allowed in Arkansas, Colorado, Delaware, Georgia, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, and Wisconsin. The use of the pitfall and deadfall appears to be very limited, if used at all; in some states, it was noted that these methods aren't even considered among their hunting statutes. A ban on exposed or suspended bait was noted in Idaho, Mississippi, Nevada, North

Dakota, and West Virginia. Tennessee had no ban, but trapping was not allowed on top of the ground, effectively prohibiting the use of this baiting.

Laws requiring the periodic inspection of trap sets within specified time intervals illustrate the arbitrary and ineffectual nature of trapping regulations. These laws appear to be designed more to create an acceptable public image while accommodating trappers rather than addressing any humanitarian concern.

Moreover, enforcement of such admittedly arbitrary and lax laws as they now exist appears to be infrequent at best. A 1976 study by the Wildlife Management Institute reported that the average enforcement officer, or game warden as they are more popularly known, must patrol a district of 495 square miles. There is only one officer for every 7,326 hunters, trappers, and anglers. The multidimensional duties of such conservation officers involve not only game law enforcement, but also boating safety, wildlife population censusing, animal damage control, habitat restoration, wildlife rescue, hunter safety, and other responsibilities. Such job demands limit the enforcement of trapping regulations.

Another handicap to enforcement is the way in which traps must be set. To be successful, a trapper must position his trap sets so they will not be detected by animals with keen senses of sight and smell. The relative secrecy of trapping activities precludes the routine compilance inspections of trap lines by conservation officers. Thus, it is a mistake to characterize commercial or recreational trapping as activities carefully regulated in any meaningful sense by state fish and game agencies. In short, the laws are largely unenforceable.

In our view, most regulations, together with their admittedly lax enforcement, are just a permit to commit cruelty. We belive that the only reasonable solution to this problem is to enact strong legislation such as H.R. 1797, modified as we have suggested.

ECONOMICS

Since World War II the American fur industry has undergone a profound change. Fur ranching has captured an increasingly large segment of dollar sales and today accounts for the major share of the fur market. Despite increased revenues, unit production dropped from two million garments in 1945 to only 455,000 in 1977. This extended period of declining unit production, spanning more than two decades, has resulted in a 70 percent decline in personnel employed by fur manufacturers and 48 percent in personnel employed by dressing firms. Much of this reduction can be attributed directly to rising consciousness of an informed public which is demanding an end to the blatant cruelty supported by wearing the skins from trapped animals.

Faced with a stagnant work force averaging in excess of sixty years in age, the fur industry is confronting a worker shortage. There is an increased reliance on fur goods from foreign countries and several firms are contemplating transferring production facilities overseas where cheap labor is available. It is difficult to assess the significance of these contradictory economic indicators. Certainly, the fur industry has not been adequately responsive to its current predicament and, as a result, there are likely to be transformations in the structure of the industry.

It is not possible to obtain reliable national statistics on trapper income. The Michigan Department of Natural Resources reports that during the 1983-84 game season the state's licensed trappers on average each spent 31 days afield and earned a profit of only $5.48 per day. Data collected by other state fish and game departments suggest that the average gross annual income of trappers, on a state-by-state basis, is only $100 to $1,000--money that could be earned from from other forms of labor, probably with fewer hours of work and a smaller investment of capital.

According to statistics from the U.S. Department of Commerce and the National Board of Fur Farm Organizations, of total retail dollar sales, approximately 30 percent is attributable to imports, while slightly over one-third is from animals raised on fur ranches. Thus, wild animal pelts contribute only 31 percent of the retail dollar sales. Of course, not all wild furbearers are caught with steel-jaw traps and, indeed, some usage of this device is based not on necessity but on personal preference, availability, or economic investment. From these data The HSUS estimates that the passage of trapping reform might create a short-term 12 percent reduction in the wealth of the fur industry. We might reasonably expect, based on the recent economic performance of the industry, that some of this potential loss would be recouped.

I must be candid, however. The fur industry will, in all likelihood lose money. That must be expected. While we estimate that the losses should not be overwhelming, the Congress should not and must not shrink from ending blatant animal cruelty because of some economic loss. Other repugnant activities such as slavery and death camps undoubtedly provided economic gain to some. But economic gain was not then, nor is it now, sufficient justifiction for such awful cruelty. Dr. Victor Scheffer has remarked of the fur industry that "The economic worth of an industry is a poor index of its character." The Congress simply must state, on behalf of the American people that, as a nation, we are too civilized to allow this wasteful, brutal cruelty to continue.

CONCLUSION

Susan Burns, editor of Animals Magazine, noted in the February 1980 issue:

> "Trappers are quick to decry what they call the humane community's 'appeal to the emotions.' The cruelty of the leghold trap is demonstrable; the necessity of fur garments is not. If the choice is an emotional one, it is because trapping involves an individual life cruelly ended, and that is an emotional subject indeed."

The major impediments to trapping reform have been unjustified and patently manufactured threats of disease epidemics, and wildlife population explosions, together with the assertion that trapping will help alleviate these "ills." Yet, when carefully scrutinized and stripped of this scientific management facade, the steel-jaw trap issue dissolves into a fundamental conflict between economic interests and unjustifiable cruelty to animals.

Today we are undergoing a period of conceptual reorientation which increasingly is stressing the esthetic dimension of man's relationship with the natural world. Dr. Stephen Kellert released in October, 1979 the results of a three-year study, commissioned by the U.S. Fish and Wildlife Service, which examined American attitudes toward wildlife. Dr. Kellert found that 78 percent of the American people now oppose the continued use of steel-jaw traps. Perhaps to a greater extent than at any time since the founding of the nation, American citizens are questioning the economic, social, and environmental values of our civilization. A new order of naturalism is emerging which de-emphasizes man's mastery over nature and rejects economic gain based on wildlife suffering.

This subcommitee has been asked to address a complex question involving basic moral and ethical values. Mankind must not be allowed to satisfy economic needs or human recreational energies in a manner which corrupts man's relationship with other life forms.

One hundred and seven years ago Charles Darwin concluded his essay on trapping with a statement which today should guide the deliberations of the Subcommittee on Health and the Environment:

> Some who reflect upon this subject for the first time will wonder how such cruelty can have been permitted to continue in these days of civilization; and no doubt if men of education saw with their own eyes what takes place under their sanction, the system would have been put an end to long ago. We shall be told that setting steel traps is the only way to preserve game, but we cannot believe that Englishmen when their attention is once drawn to the case. will let even this motive weight against so fearful an amount of cruelty.

We urge you to pass and favorably report H.R. 1797, amended as we have suggested.

Respectfully submitted,

John W. Grandy

Mr. **Waxman**. Thank you very much, Mr. Grandy.

Ms. Stevens.

STATEMENT OF CHRISTINE STEVENS

Ms. **Stevens**. Mr. Chairman, first if I could ask that the television be turned on for the Gregory Peck Public Service Announcement.

[Film shown.]

Thank you, Mr. Chairman.

Now, I would like to bring to you a large number of petitions from people all over the country who want to see the end of the use of this terrible trap and also we would like to bring you some photographs and statements by people whose own domestic pets and hunting dogs have been maimed and in some cases had to be euthanized because of the use of the trap.

May we bring those up to you at this time?

Mr. **Waxman**. We will be pleased to receive those. Thank you.

Ms. **Stevens**. Now, I would like to turn to some of the things that have been said that I think are perhaps creating misunderstanding.

I believe that Congressman Young was speaking of neck and body snares when he spoke of strangulation. Those are very cruel and if you have a copy of this book, "Facts About Furs," you will see on page 105 a picture of an animal caught in a neck snare. That is not what anybody is advocating here as a substitute for steel-jaw leg-hold traps. What we are advocating are cable-coated leg snares that only catch the leg and do not harm the animal as the steel-jaw trap does.

Also, regarding the bear trap, there are no size restrictions in 22 States. In other words, some States have outlawed it but a large number have not. By the same token, the same number of States have failed to ban teeth in traps. It is often said that teeth are no longer used. The fact is that we only just ordered some teeth from the State of Illinois where they are banned.

They were sent to the State of Virginia where they are banned, but we received them, and I would like to have that trap that has had the teeth attached to it demonstrated so that you can see what it is.

Also, Congressman Young said that you could release animals from these traps. It is true, you can let them out, but tremendous damage will have been done to them, and in most cases they will die from gangrene. There goes the trap with the teeth. Perhaps you would like to see that.

It is especially ironic—and I would like to read this part of my testimony—that a Northern Michigan University study was said to "prove" that animals, in this case coyotes, weren't injured by these traps.

Because we found the claims of Fur Age Weekly incredible, we obtained a copy of the original paper and learned that "Three of the four coyotes died during the study. Two died of starvation" in one, the foot was badly torn and chewed, exposing broken bones. In the other its captured foot had been chewed off. In other words, you cannot release animals from any of these steel-jaw traps and assume that they will survive at all.

The Raptor Research and Rehabilitation Program has found that practically none of them can be released after they have been caught. That hawk that you saw was one of those in that category. The photographs of feet of dogs and cats treated by Dr. George Whitney after they were caught in steel-jaw traps also demonstrate irrefutably the terrible cruelty of these traps.

As you can see, they have just torn themselves apart.

Now, with regard to the claims that Mr. Lambertson made about foot snares doing such harm to animals, I would like to submit a copy of an article written in Canadian Wildlife Policy in 1980 about the Novak leg snare. There are several different leg snares, the Swedish one, the Ezyonem, the Novak, and one made by Woodstream.

Fifty-two percent of the animals caught in the steel-jaw trap suffered serious injuries; only 2 percent in the leg snare suffered such injuries, so there is a tremendous difference, and that needs to be clearly recognized.

I notice that the fur industry keeps talking about rabies spreading, but the States in which CDC finds it is spreading are all perfectly open to steel-jaw leg hold trapping right now.

I would also like to draw attention to Dr. Stephen Kellert's very excellent survey on trapper and other people's attitudes, and I would like to read briefly from a report in the Voice of the Trapper in which Mr. Hoyt, the president of the National Trappers Association, stated as follows:

"We followed that critter another 5 miles from where we quit the night before with a No. 4"—that's a very large trap—"on one foot and No. 2 on the other foot. It left quite a trail. There he goes, I yelled. We both cut loose with our little 22's. Zing, plop, plop. We could tell by the sound every time we hit it, and we did hit it four or five times, but we weren't shooting at a cat as we expected. We were shooting at a dadburned coyote; with a trap on both front feet and now carrying some lead that critter plumb outran us. After another mile, we gave up on him. Right then I named him Ol' Scrapiron. Dave Nicolas, Woodstream's representative, arrived the next morning to spend a few more days with us."

Then he summarizes that, well, the feet will drop off and he will "continue business as usual with three legs."

I would also like to quickly quote Mr. Goodrich, who is here on the panel. This is his advice.

"Pledge to talk in terms of benefits for people," says Mr. Goodrich. "Don't debate whether trapping is cruel. Talk about how trapping is necessary for people. People will then conclude that it is not cruel."

[Testimony resumes on p. 391.]

[Ms. Stevens' prepared statement and article referred to follow:]

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STATEMENT IN SUPPORT OF H.R. 1797 TO END THE USE OF THE STEEL-JAW LEGHOLD TRAP BEFORE THE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

by Christine Stevens, Secretary

August 3, 1984

On behalf of the Society for Animal Protective Legislation, I urge this distinguished Subcommittee to approve H.R. 1797 and send it to the full Committee for prompt action.

Americans Want the Steel Trap Banned

More than three-quarters of the American public are opposed to capture of furbearing animals with the steel-jaw leghold trap. (1) Yet our country lags behind 59 others whose laws prohibit its use. (2) Before Congress adjourns, it should pass H.R. 1797, a modest, humane bill less stringent than those of the 59 other nations. It deserves the support of wildlife managers, hunters, and trappers as well as the majority of the population at large.

Nothing in this bill prevents the continuation of any current outdoor activity. It simply addresses a single device, a barbaric instrument, peculiarly anachronistic in our inventive, forward-looking country where technological improvements in every other field are the envy of the world. But the only thing Woodstream, the biggest manufacturer of these ugly contrivances, has come up with is a bit of tough rubber attached to the jaws--hardly a novel idea since it has often been tried unsuccessfully in the past. (3) Raccoons are still gnawing their feet off when caught in what Woodstream has dubbed the "Soft Catch." Why in the world would a trapper want to set a trap that can cause self-amputation without anesthesia when he could catch the raccoon in a Hav-a-hart or Tomahawk box trap?

Thousands of muskrat feet have been found by trappers who set steel traps. Scientific studies document the effectiveness of cage traps for muskrats and nutria (4), an excellent alternative.

The great naturalist John Muir said, "Making some bird or beast go lame for the rest of its life is a sore thing on one's conscience, at least nothing to boast of, and has no religion in it."

Gangrene: The Insidious Companion of the Steel Trap

Trappers often claim that they release non-target animals from steel traps without injury. Especially ironic was the singling out of a

Northern Michigan University study said to "prove" that animals, in this case coyotes, weren't injured in these traps. (5) Because we found the claims of *Fur Age Weekly* incredible, we obtained a copy of the original paper (6) and learned that "Three of the four coyotes died during the study. Two died of starvation which was indirectly caused by the initial trapping." For coyote 1: "The apparent cause of death was starvation. The trapped foot had been badly torn and chewed, exposing broken bones." For coyote 2: "The apparent cause of death was starvation. Its capture foot had been chewed off."

The Raptor Research and Rehabilitation Program reports: "There is only limited potential for mitigating the effects of trapping injuries to raptors because of the irreversible soft tissue damage usually associated with such injuries, which results in the loss of the extremity . . . Of the raptors received for leg injuries involving only soft tissue damage and which survived long enough for assessment of the severity of the injury, 85% had irreparable damage that would result in loss of the foot. Unfortunately, persons who are unfamiliar with the serious nature of this kind of injury would probably assume that they could release these birds from the trap 'without serious injury.'"

Gangrene, the gruesome death of *part* of a still living body, is the inevitable consequence of being caught in a steel trap unless the jaws are soon opened because the circulation is cut off in the trapped limb. Many well-loved dogs and cats have had to have their legs amputated to prevent the foul gangrene from spreading and killing them.

You will hear from experts (7) about cable coated leg snares from which pets and other non-target animals can be released. I also attach a study (8) showing a 26-fold reduction in injuries when a leg snare is used as contrasted with a steel-jaw trap. Just as cage and box traps can be used to catch short-legged animals, cable coated leg snares can substitute for catching long-legged creatures such as foxes and coyotes.

Woodstream has manufactured a leg snare and is marketing it in Canada but not the United States. Instead it is running full-page ads in U. S. publications making claims for the so-called "Soft Catch" which cannot be substantiated. For example, the ads suggest that the U. S. Department of Agriculture 1) endorses this trap, and 2) provided funds for its testing. Neither is true. (9)

Woodstream manufactured the approximately 50,000 steel traps in the possession of the U. S. Department of the Interior. Yet FWS scientists seeking coyotes to be kept for scientific studies have chosen to use Aldrich leg snares in preference to the steel-jaw traps because the traps cause crippling injuries. But they harden their hearts against the torment undergone by the coyotes and innumerable other animals caught in the traps. Statistics show that non-target species may outnumber those for which the traps were set. (10) This sickening mixture of incompetence and cruelty is unworthy of the federal government.

American Fur Industry Misinformation

In the June 11, 1984 issue of Fur Age Weekly, Henry Foner, spokesman for the American Fur Industry, wrote disparagingly of H.R. 1797 and asserted: "We can safely assume that the 'antis' will pull out all the stops in tearing at the Congressional heartstrings over the so-called cruelty of trapping. We can with equal safety assume that they will be eloquently silent about the dangers of allowing furbearer populations to proliferate without any control, or about the serious danger of such diseases as rabies that overpopulation can bring about. Nor will the so-called 'friends of animals' acknowledge the universal acceptance by the scientists and wildlife managers of trapping as an indispensable tool of responsible wildlife management." These allegations require a response.

These photographs of the feet of dogs and cats treated by Dr. George Whitney after they were caught in steel-jaw traps demonstrate irrefutably the cruelty of the device.

As for "allowing furbearer populations to proliferate without any control," Mr. Foner apparently is unaware of the effects of intensive control. To quote from the Journal of Wildlife Management (11) concerning the effect on coyote populations of such control, "Normal litter size is 4.3 but with intensive control it is 6.9." In other words, the response to intensive trapping or poisoning is an increase of 62% in the number of pups born in each coyote litter when coyote numbers are low.

To quote another scientific paper (12) referring to massive reduction of a coyote population, "If there is a 75% reduction of population, it will recover in three to five years." When intensive control causes birth of increased numbers of young animals, the population is more susceptible to disease than an older population because many adult animals have become immune to the particular disease.

Apologists for the steel-jaw trap have long relied on unscientific statements regarding population dynamics. They sometimes allege that if it were not for fur trappers, there would be "wall-to-wall muskrats," an obvious absurdity. The fact is that there are many natural population controls which have been in effect for millennia before the first human trapper appeared on earth.

Steel-Jaw Traps Do Not Prevent the Spread of Rabies

With respect to the relation of trapping to rabies, I would quote Dr. Lawrence T. Glickman, Chief, Section of Epidemiology, Associate Professor, Epidemiology and Public Health, University of Pennsylvania

School of Veterinary Medicine, who states:

"In places where wildlife rabies is endemic, attempts to control the disease by decimating the wildlife population have been ineffective. For example, trapping programs to control epizootic fox rabies in New York State in the 1940's and Virginia in the 1960's were found to be ineffective. The National Academy of Sciences issued a report in 1973 that recommends abolition of long-term trapping for rabies control.

"There is no evidence that leghold traps will preferentially capture and remove rabid animals. In fact, if trapping preferentially removed the older animals who were immune to rabies, it would leave the population more susceptible to rabies epidemics.

"Attempts to reduce wildlife populations by trapping can be offset by the species' ability to increase its reproductive potential and thereby maintain a stable population. This has been noted for coyotes and foxes."

As for the statement that trapping is "an indispensable tool of responsible wildlife management," this is not an issue addressed by H.R. 1797. Trapping with less painful and injurious devices is unaffected by H.R. 1797. Box traps and leq snares are readily available to any wildlife manager who decides that a particular animal or animals must be removed by trapping.

Perhaps Mr. Foner would like to explain why rabies is spreading in so many states at the present time in view of the fact that no restrictions have been placed on the steel-jaw trap in any of the states now experiencing increased rabies. States named in a June 12, 1984 USA Today article, which quotes the Federal Center for Disease Control, are: Arkansas, California, District of Columbia, Illinois, Iowa, Kansas, Maryland, Minnesota, Missouri, Nebraska, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. In all of these states, trappers use steel-jaw traps as much as they like.

Intensive Control Increases Wildlife Populations

Two statements by scientists which show that trapping can play a role in increasing the spread of wildlife disease follow:

Dr. John Kirsch, Curator of Mammals, Yale University: "The characteristics of population growth also affect the transmission of disease. If by trapping we reduce populations to the size where they will grow quickly, then a lot of immature and presumably susceptible animals will enter the population each year. This would increase the likelihood of transmission to youngsters that have not had a chance to become immune. Extensive trapping may therefore aggravate rather than alleviate the spread of disease."

Dr. Charles Laun, Stephans College, Columbia, Missouri: "Population reduction may have some very negative aspects. It has been observed many times that in mammal populations the reproductive rate varies inversely with the population density. When the population reaches a high level, the birth rate shows an appreciable decline, and vice-versa. Thus, when a population is reduced to a low level by any of the various means of control the number of new individuals in the population increases simply because of the increase in the birth rate. Most of these new members of the populations are apt to be non-immune individuals."

Wildlife managers will have to decide whether or not to use any intensive control in view of the potential results. However, it must be emphasized again that such decisions on trapping will be unaffected by enactment of H.R. 1797 because of the alternative traps that remain available to wildlife managers.

Trapper Attitudes

I have referred in (1) to the Yale University study conducted by Dr. Stephen Kellert for the U. S. Fish and Wildlife Service. It may be helpful to quote his summary of trapper attitudes as a means of throwing light on continued assertions by trappers that the steel trap is necessary. Kellert states:

"Far more than any other animal activity group, trappers were the most pragmatic, authoritarian and nonaffectionate in their attitudes towards animals. They had the highest utilitarian, lowest humanistic and among the highest dominionistic and negativistic attitude scores. Their predominant orientation to animals appeared to be one of 'exploitative dominance,' and this was reflected in strong support for the killing of wildlife for meat, for skins and for predator control, and in the perception of animals as existing largely for the benefit of human beings . . .

"Trappers also seemed quite unconcerned about issues involving the protection and welfare of animals as indicated by very low moralistic and ecologistic scores. Indeed, more than any other group, trappers consistently opposed efforts to minimize cruelty to animals or depredations to wildlife and wilderness environments. Trappers were not only strongly utilitarian and dominionistically oriented, but they also tended to reject as naive or misguided nearly any objection to man's exploitation of the nonhuman world. The natural environment appeared to be viewed from a perspective of 'self-centered individualism,' a kind of single-purpose, single-person benefit model. It is interesting to note that in spite of the trappers' apparent indifference to the welfare of animals, they had comparatively high knowledge-of-animals scores. This knowledge, however, seemed more a function of familiarity and frequent contact with animals than intellectual curiosity or emotional attachment."

The attitudes summarized in scientific terms are substantiated by a report by the President of the National Trappers Association which appeared in The Voice of the Trapper (13). Mr. Hoyt reports: ". . . we followed that critter another five miles from where we quit the night before . . . With a #4 on one front foot and a #2 on the other it left quite a trail . . . 'There he goes!!' I yelled. We both cut loose with the little .22's /automatic rifles/. Zing, zing, plop. Zing, plop, plop. We could tell by the sound every time we hit it. And we did hit it four or five times. But we weren't shooting at a cat as we expected. We were shootin' at a dad burned coyote!!! With a trap on both front feet and now carrying some lead that critter plumb outran us. After another mile we gave up on him. Right then I named him 'Ol' Scrapiron' . . . Dave Nicholas /Woodstream's representative/ arrived the next morning to spend a few days on the lines with us." Hoyt reports that he and Nicholas sighted the wounded coyote again but failed to capture him. "What will happen to him now?" mused Hoyt. "Obviously not hit in a vital area, the bullet wounds will heal. The #4 trap no doubt had a full paw catch and that paw will dry up and drop off. The #2 most likely had a half or two-thirds of a paw and that portion of the paw below the jaws will dry up and drop off. Then he will continue 'business as usual' on three legs."

Steel Traps With Teeth

It is often asserted that steel-jaw traps with teeth have been outlawed. That is true for 22 states, but 28 other states have not banned the use of teeth. Aeschleman Fur Co. of Roanoke, Illinois, offers a set of teeth which can be attached to any trap. Twenty pointed teeth are available for a mere $3.75 a dozen.

Hunter Opposition to Steel Traps

Floyd Kucharski, President of the New Jersey Hound Association, stated at hearings in New Jersey: "The reason hunters are being kept out of many properties is because of the bad name of trappers and traps. Farmers and the public are associating trapping with hunting. And they are wrong. What we do is a sport. What trappers do with the leghold trap is to maim and kill wildlife and pets for pin money. Hunters carry the brunt for this group. In addition we are losing our best dogs to leghold traps and we resent the maiming and killing that trappers do in the name of sport."

State and Provincial Laws

Extensive studies have been conducted in Canada over the last seven years on a variety of traps. The Federal Provincial Committee for Humane Trapping issued a substantial report. The first recommendation listed by the Committee is, "Box traps can be used for most species on land." As a result of the study, the Province of British Columbia has outlawed the use of the steel-jaw trap on land for most species of furbearer.

The State of New Jersey recently outlawed sale, use, and possession of the steel-jaw trap. Massachusetts and Rhode Island have also outlawed its use with certain exceptions. Florida banned it administratively. Tennessee, South Carolina, and Connecticut ban steel traps except for use in animal burrows. Massachusetts reports that fishers, raccoons and opossums are now caught in cage or box traps, and some other non-aquatic furbearers are taken by hunting.

No Adverse Economic Impact

I have heard a concern expressed that H.R. 1797 might exert a negative influence on employment if the Woodstream Company could not sell steel-jaw traps in interstate commerce. It appears, however, that the company has already exported jobs to Taiwan. According to its 1983 Annual Report to the Securities and Exchange Commission, "The Company distributes, through its Northwoods division located in Greensburg, Pennsylvania, wildlife traps which are manufactured for it in Taiwan." (14) Further, Woodstream bought up the company which formerly manufactured the Hav-a-hart trap. Increased sales of Hav-a-hart cage traps and leg snares, also manufactured by Woodstream, would fully employ Woodstream's American workers.

For some years now, Woodstream has been diversifying its product line to include fishing tackle, tackle boxes, glue traps for catching mice, trapping lures, dog training scent, rabbit hutches, pet carriers and their latest product, "Bug Man" Home Pest Control Centers. In the past five years, the company has shown a loss only one year--1982--while the sales of their steel-jaw leghold traps have declined steadily over the past three years. In 1983, the company had a net profit of $470,701 in spite of losses from steel-jaw trap sales. The increase in sales was due mainly to a rise in sales of fishing tackle gear and related products. In the first quarter of 1984, the corporation showed a continued loss in sales of steel-jaw traps but an overall profit in total sales equal to the first quarter of 1983.

Over the past decade trappers have made increasing use of other traps even when legholds are allowed. Interviews with state game departments have revealed that two-thirds to three-quarters of muskrats and beavers trapped in the United States are taken with Conibear traps. Muskrats are the major furbearer in terms of numbers caught and revenue of all U. S. furbearers.

The number of animals trapped in the states which have restricted or banned the leghold trap has not decreased since the bans went into effect. As an example, the state of Massachusetts banned the land use of the steel-jaw leghold trap in July 1975. Yet the number of raccoons taken increased from 5,254 in 1973 to 23,007 in 1981. The number of red foxes taken increased from 495 in 1973 to 758 in 1981. Other states have shown similar trends when the leghold trap was restricted or banned: Trapping totals are primarily a function of pelt price and trappers have shown versatility in switching trap types and methods.

Employment of workers in the fur industry who make fur coats and other fur products would not be affected by enactment of H.R. 1797. The vast majority of mink are farmed, not trapped, while furs such as raccoon and fox, as demonstrated by the Massachusetts statistics, would not decrease as a result of a ban on the steel trap. The fur industry's image, like that of the trapper, would be enormously improved by passage of this bill banning a barbaric and unnecessary instrument.

Pain

To describe in scientific terms the unnecessary pain the steel-jaw leghold trap causes, I quote from a statement of Samuel M. Peacock, Jr., M.D., Associate Professor of Neurophysiology at the Thomas Jefferson University School of Medicine: "It inflicts maximal pain for it not only involves the superficial pain receptors of the skin and muscle but also the deep receptors of tendon and bone. Struggling intensifies this stimulation and the animal quickly learns this but the pain remains and produces maximal stress for long periods of time including at best a state of helplessness or shock not to be confused with sleep except by the most primitive observer." The Soft Catch trap does not prevent this pain.

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The Foot-Snare and the Leg-Hold–A Comparison

In Canadian Wildlife Policy Distributed at
Federal Provincial Wildlife Conference in Ottawa, Ont. Juen 21-24, 1980

M. Novak

The leg-hold trap has become the focus of the anti-trapping movement around the world. Its major weaknesses are non-selectivity and a potential for mutilating animals especially if used by inexperienced persons. In Ontario, problems occur when the leg-hold trap is used for trapping foxes, coyotes, wolves, coyote-dog hybrids, raccoons and feral dogs.

The Ontario Ministry of Natural Resources began trap research in 1972 to improve traps and trapping methods. Both quick-killing devices and live-traps were studied. In addition, the Ministry provided substantial financial and technical assistance to private inventors and to the Federal Provincial Committee for Humane Trapping.

It was soon realized that live-traps had a distinct advantage over quick-killing traps from a humane, economic and animal management point of view. They allowed greater selectivity in species, sex and age group harvest. If a trapper, researcher, furbearer manager or sheep farmer with a predation problem had a choice, clearly, a live-trap would be preferred over a quick-killing trap in almost all cases.

Once the decision was made to concentrate on live-traps, the objective of the trap development program was to develop a light, inexpensive alternative to the leg-hold trap for trapping and above mentioned animals. Because of the success of the Aldrich Bear Snare, it was decided to work on the snare principle.

The concept of snaring an animal by the foot is not new and actually preceded the leg-hold trap which was invented sometime in the early Middle Ages to catch poachers. The Egyptians had a working foot-snare trap as early as 3000 B.C. Several patents have been granted for foot-snare traps in North America. One of the earliest, about 100 years ago, was designed to catch wild horses.

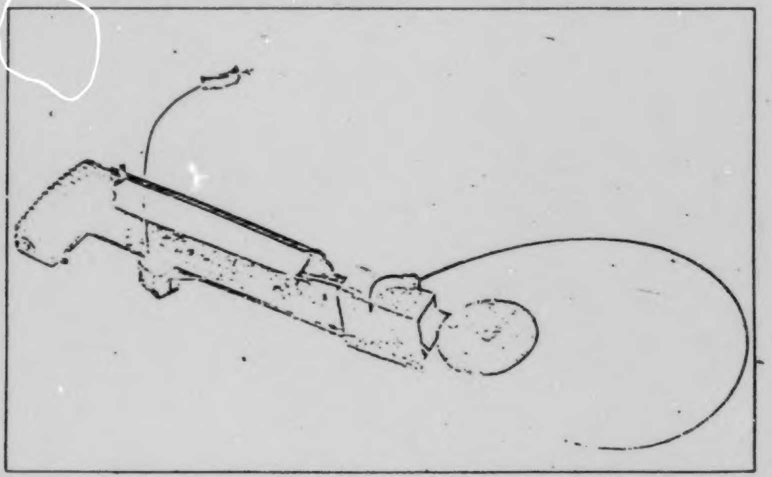


Fig. 1 The new foot-snare live-trap. The snare is 76 cm (30") in length. The loop cable is 62 cm (24-1/2") long. The galvanized airplane cables tested were 1.6 mm (1/16") and 2.4 mm (3/32") thick having a 7 × 7 × and 7 × 19 weave, respectively. The breaking strengths of these cables were 218 kg (480 lbs) and 417 kg (920 lbs), respectively. One of the features of the specially designed snare lock is that it falls off the animal's leg if the animal escapes by chewing through or breaking the cable.

An early prototype of our foot-snare was tested on four captive raised foxes which were released in a large enclosure. Observations showed that the animals struggled for the first one to three minutes and then ceased struggling. Most importantly, the animals did not chew the cable.

The purpose of this report is to compare the leg-hold trap with the new foot-snare live-trap developed through the Ministry's trap research program.

I am especially grateful to Fred Adams, Cecil Speers and Tom Bradley for assisting in the development and field testing of this live-trap.

Methods

Two experienced trappers, Trappers A and B, each independently tested both the live-trap and the leg-hold trap (Fig. 1, 2) from 27 August to 30 November, 1978, and 24 May to 1 December, 1979. Each trapper treated the foot-snare traps himself and in the same way as the leg-hold traps. Both traps were boiled in Gillett's lye to clean them, aired to oxidize and freshen them, treated with logwood crystals to blacken them and waxed to prevent rusting. For experimental purposes, Trapper B did not blacken or wax his snares from 15 October to 1 December, 1979 and occasionally prior to this period.

All trapping was done in southern Ontario on agricultural land. Both types of traps were used and set in the manner in which each trapper was accustomed. Before 15 October, 1979, each trapper decided which trap he would use in a particular set location. However, from 15 October to 1 December, 1979, the trappers chose the trapping site and then randomly selected trap type.

Traps were set mainly for foxes but occasionally for coyotes. No effort was made to standardize the scent and bait used to attract these animals. Both trappers used attractants consisting of pure fox or coyote urine, commercial fox scent preparation (Hawbaker's Wiley Red), and meat of sheep, groundhogs, rabbits and cockerels obtained from a hatchery.

Sets were categorized by method: (1) dirt hole, (2) trail or (3) scent post sets, and by location: (1) sandy or (2) clay soil. All traps were checked daily and records kept of captures, misses and escapes. Misses and escapes were determined by track and hair identification. During the first trapping period, the location of closure of the leg-hold trap or snare on the animal's leg was noted. Injuries were recorded in the field as (1) no injury, (2) skin rubbed and/or superficially scratched or nicked, (3) skin cut with flesh and/or tendons exposed, (4) tendons cut/or bones broken, (5) chewed feet and (6) wring-offs. Swelling in the entrapped foot was recorded as (1) no noticeable swelling, (2) slight or minimal, (3) moderate and (4) badly swollen. In the fourth category, toes and pads were greatly distended and the animal could not stand on the affected leg when released.

The capture rate, expressed as a percentage, gave the proportion of animals that were caught and held plus those that subsequently escaped, out of the total number of times the traps were discharged. The escape rate expressed the percentage of animals that were caught and held for a period of time but eventually escaped, out of the total

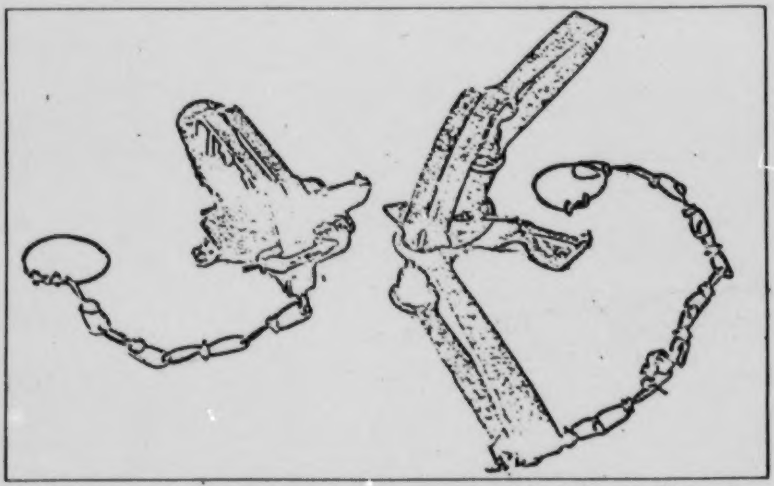


Fig. 2. The #2 coil spring leg-hold trap (left) was the trap most commonly used in the field tests. The #4 long spring leg-hold trap was used infrequently in coyote sets. Note the welding on the inside of the trip jaws and the shortened chain. The welding was intended to reduce the pressure on the animal's leg by keeping the jaws 3-4 mm open. The shortened chain was used to minimize the anim[illegible] [illegible]

number of captures plus escapes. Animals digging up traps were not used to calculate the capture rate. Animals stolen from traps were considered to be captured. Statistical significance was set at the 95 per cent level of probability, except where noted.

Results of Trap Testing

During the two years of field testing, the foot-snare live-trap was set 3390 trap nights and the leg-hold, 1562 trap nights.

Two hundred twenty-seven animals were captured in foot-snare live-traps and 101 in leg-hold traps (Table 1). The fox capture rate was 89 per cent for the foot-snare traps and 85 per cent for the leg-holds. The trappers unnecessarily missed four to six foxes and some raccoons the first year because the animals discharged the foot-snares by stepping on the back part of the trigger arm and on the cable at the same time. This problem was solved by using a trigger guard (Fig. 1) which allowed the trap to be released only if the animal was standing squarely on the pan and therefore in the centre of the snare.

The coyote and feral dog capture rates were 80 per cent using foot-snares and 89 per cent using leg-holds, but the sample was small for both traps (Table 1). Fifty-seven per cent of all the raccoons setting off the foot-snare traps were caught while 76 per cent of those discharging the leg-holds were captured. Twelve raccoons were missed in two foot-snare live-traps located close together over a period of 16 nights. These traps were repeatedly discharged by a family of small raccoons. Excluding these cases, the adjusted raccoon capture rate was 63 per cent for the foot-snares. Two white-tailed deer were caught in snares and both escaped on their first jump. One deer stripped the knob of solder at the end of the wire and the other snapped the 1.6 mm cable. In the latter case the snare fell off the deer's leg within 5 m of the set.

Statistical tests showed that there was no significant difference in the capture rate for canids and for the adjusted raccoon rates by foot-snare or leg-hold traps over the two years of trap testing. A significant difference in capture rate was found for skunk. Only 34 per cent of skunks discharging the foot-snares were caught as opposed to 97 per cent captured by leg-holds (Table 1). This difference may be a function of how the live-trap was set rather than of the trap itself. Trapper A, whose dirt hole sets in 1979 were made as shown caught ten of 11 raccoons and all of three skunks discharging the snares during the random trap period in 1979. Trapper B caught only ten of 18 raccoons and two of nine skunks discharging the snares.

Analysis of the data collected during the random trap distribution period showed that out of 1157 trap nights, foot-snares were discharged 96 times giving an overall rate of 0.08 discharged foot-snares per trap night. The leg-hold traps were set 761 trap nights and were discharged 50 times or 0.07 discharged traps per trap night.

The foot-snare was set in 51 different locations and the leg-hold trap in 43 different locations. The frequency of trap discharge was calculated for each location. Statistical

Table 1.

Capture Rates for Foot-Snare and Leg-hold traps, 27 August to 30 November, 1978 and 24 May to 1 December, 1979.

	No. of Times Trap Discharged		*No. of Captures plus Escapes*	
	Foot-Snare	*Leg-Hold*	*Foot-Snare*	*Leg-Hold*
Coloured Fox *(Vulpes vulpes)*	99	27	88 (89%)*	23(85%)
Grey Fox *(Uracyon cinereoargenteus)*	1	—	1 (100%)	—
Raccoon *(Procyon lotor)*	113	34	64 (57%)	26 (76%)
Coyote *(Canis latrans)*	8	2	8 (100%)	1 (50%)
Dog *(Canis familiaris)*	15	7	10 (67%)	7 (100%)
Coyote-Dog hybrids	2	—	2 (100%)	—
Skunk *(Mephitis mephitis)*	47	36	16 (34%)	35 (97%)
Cat *(Felis catus)*	8	1	7 (88%)	1 (100%)
Porcupine *(Erethizon dorsatum)*	5	3	5 (100%)	2 (67%)
Groundhog *(Marmota monax)*	23	3	8 (35%)	3 (100%)
Rabbit *(Lepus europaeus)*	5	1	1 (20%)	1 (100%)
Deer *(Odocoileus virginianus)*	3	—	2 (67%)	—
Red Squirrel *(Tamiasciurus hudsonicus)*	1	—	0 (0%)	—
Weasel *(Mustela erminea)*	—	1	—	1 (100%)
Turkey Vulture *(Cathartes aura)*	1	—	1 (100%)	—
Song Birds	3	—	0 (0%)	—
Sheep	13	2	6 (46%)	1 (50%)
Cattle	9	—	0 (0%)	—
Horse	6	—	0 (0%)	—
Unknown	21	6	5 (24%)	0 (0%)
Total	383	123	227	101

* Capture rate in brackets

[illegible] showed no significant difference in the number of discharged traps per trap night between the foot-snare and leg-hold traps.

The graph in Fig. 3 used 20 foot-snare sets and 27 leg-hold sets of ten trap nights each. It showed a significant decline in the number of animals captured on the tenth as opposed to the first trap night. This rate of decline, however, was similar for the foot-snare and the leg-hold traps.

These analyses of the random trap distribution period indicated that there was no significant difference in the frequency of discharged foot-snare and leg-hold traps.

Fourteen per cent of the captured canids and raccoons escaped from the foot-snares and 11 per cent from the leg-holds (Table 2). Trapper B accounted for the majority of the escapes (six of the seven cases of chewing through the cable and 18 of 26 cases of animals escaping out of the snares). This may be due to the fact that Trapper B did not blacken the snare wire causing captured animals to bite the cable and snare lock more often than if the snare wire had been Blackened. Twenty foxes and raccoons captured by Trapper B bit the cable significantly more often than 19 animals captured by Trapper A (an average of 6.2 and 3.8 times per cable, respectively). Tests on captive foxes, raccoons and coyotes showed that these animals were attracted by shiny objects and therefore bit objects such as untreated airplane cable or even small silver nuts.

Tests to date on over 30 captive raccoons, five coyotes and several dogs showed that the snare locks and 1.6 mm cables fell off the animals' legs in less than ten seconds after the cables were cut, except for one raccoon which still had the snare on eight minutes after being released.

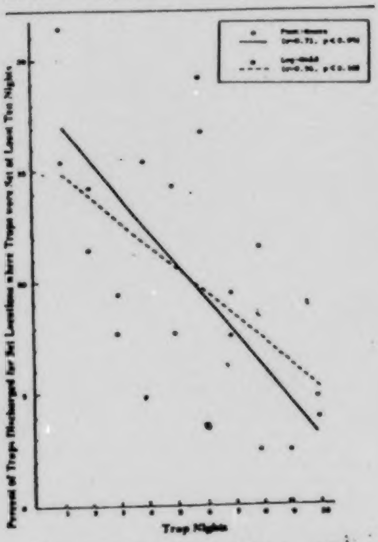


Fig. 3. Rate of discharged traps on the first ten trap nights.

The 1.6 mm cable and snare lock did not come [illegible], captive foxes after the cables were cut but then none of the captured wild foxes managed to bite through even the thinnest strand of cable. None of the wild-caught animals (five foxes, three raccoons, five coyotes, four dogs and one skunk) chewed through the 2.4 mm cable.

There was a considerable difference in the injuries caused by the two traps (Table 3). Ninety-eight per cent of the animals captured in foot-snares had either no marks or just rubbed skin or nicks on their legs as compared to 48 per cent of animals caught in leg-holds. There also seemed to be a difference in the results between the two trappers. Over the two years, 90 per cent of all animals caught by Trapper A (who blackened his cable) had no marks on their legs, nine percent had rubbed skin or nicks and one animal had a broken carpal bone. Trapper B had only 64 per cent of the captured animals with no marks while 32 per cent had rubbed skin or nicks. In addition, two foxes had cut skins and one raccoon had partly chewed its foot after wrapping the cable very tightly around the trap. These results showed a significantly greater degree of struggling by animals caught in foot-snares by Trapper B—a supposition supported by the greater number of bite marks on the wire. The equipment used by both trappers was identical, however, Trapper B's snares were generally not blackened. Excessive biting of the cable probably caused the two cases of cut skin recorded by Trapper B. Previous experiences with traditional snare locks showed that if the ensnared foot could rotate even slightly within the snare, it could result in a cut skin and even, in one case, severed tendons. These traditional snare locks used copper crimps to attach the cable or plastic tubes over the cable to prevent it from closing too tightly on the animal's leg. Examination of the snare that had cut the skin of one of the foxes showed that the snare was kinked from being bitten and, consequently, was loose on the foot. Animals caught in either foot-snares or leg-holds did not damage their teeth by biting on the traps.

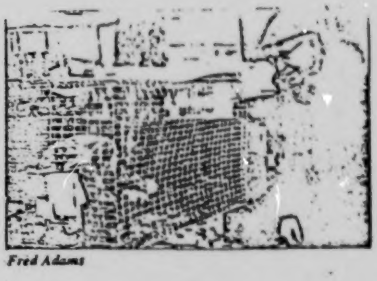
The snare did not hold the leg as rigidly and tightly as the leg-hold trap and as the snare was very light and flexible there was no continuous and excessive pain associated with it. The snare on the animal's leg weighed less than five grams, whereas the #2 and #4 leg-holds weighed 540 gm and 960 gm, respectively. The live-trap weighed 450 gm but fell free once the animal was caught in the snare.

The degree of swelling (due to blood vessel constriction) caused by the two traps could not be compared readily since the leg-hold trap tended to cut the leg allowing blood and fluids to drain, thus reducing swelling. Seventy-eight percent of the animals captured in the foot-snares had no swelling, 21 percent had slight swelling, one percent had moderate swelling and none had extensive swelling (Table 4). Again, there was a significant difference in the results for the two trappers with Trapper A recording a reduced degree of swelling. This was attributed to the reduced amount of struggling of Trapper A's animals. For example, 80 per cent of the foxes and 88 per cent of the raccoons captured by Trapper A had no swelling in their paws. Only 60 per cent of the foxes and 76 per cent of the raccoons captured by Trapper B showed no swelling. These differences were statistically significant.

As part of the Ministry's rabies research program many of the foxes were ear tagged and fitted with radio transmitters prior to release. This enabled us to observe how quickly the trap related swelling subsided. Minimal and moderate swelling subsided as soon as the snare was removed. The worst case of swelling was encountered in an adult female fox. The swelling in the front paw took two to three hours to subside. Fifteen days later this animal was recaptured by a hind leg in a foot-snare. The previously snared leg looked normal except for some rubbed hair.

The live-traps caught the animals significantly higher on the leg than the leg-hold traps. Eighty-seven percent of the animals were snared above the paws whereas only 34 percent were caught that high by the leg-holds. Because of this, the live-trap may prove useful under deep and dry snow conditions. However, we have not tested it in deep snow although we caught one fox when there were ten centimetres of snow over the top of the trap. Not enough data was collected to make comparisons between the 1.6 mm and 2.4 mm cable or the #2 and #4 leg-holds.

The trappers reported that the foot-snare withstood rain better than the leg-hold which generally had to be reset



Fred Adams

Tom Bradley

Cecil Speers

The development and subsequent field testing of the new foot-snare live-trap depended heavily on the knowledge and dedication of these three fine gentlemen. Fred Adams, a retired engineering designer had the unenviable job of making ideas work (in the shop anyway). Over a period of a year and a half over a dozen diverse prototypes were made. The men who took the "shop models" out into the real world were Tom Bradley *and* Cecil Speers. *These two excellent trappers have over 110 years of trapping experience between them and their expertise was invaluable.*

Table 2.

Escapes from Foot-Snare and Leg-Hold traps, 27 August to 30 November, 1978, and 24 May to 1 December, 1979.

	Foot-Snare				*Leg-Hold*	
	Chewed Through Cable	*Pulled out or Opened Snare*	*Solder/Nut Pulled off or Chewed Off*	*Snapped Cable*	*Pulled out of Trap*	*Wring-Off*
Coloured Fox	—	4	—	—	—	3
Raccoon	4	11	—	—	3	—
Coyote	—	1	1	—	—	—
Dog	—	1	1	—	—	—
Coyote/Dog	1	1	—	—	—	—
Skunk	—	2	—	—	—	—
Cat	—	1	—	—	—	—
Deer	—	—	1	1	—	—
Unknown	2	5	—	—	—	—

Table 3. Types of Injuries* from Foot-Snare (F.S.) and Leg-Hold (L.H.) Traps.

	No Marks		*Rubbed Skin, Nicks*		*Cut Skin*		*Cut Tendons Broken Bones*		*Chewed Feet*		*Wring-Off*		*Total*	
	F.S.	*L.H.*	*F.S.*	*L.H.*	*F.S.*	*L.H.*	*F.S.*	*L.H.*	*F.S.*	*L.H.*	*F.S.*	*L.H.*	*F.S.*	*L.H.*
Coloured Fox	56	5	23	2	2	8	—	4	—	—	—	3	81	22
Grey Fox	—	—	—	—	—	—	1	—	—	—	—	—	1	0
Raccoon	40	11	8	3	—	3	—	5	1	—	—	—	49	22
Coyote	2	—	3	—	—	1	—	—	—	—	—	—	5	1
Dog	8	2	—	1	—	1	—	—	—	—	—	—	8	4
Skunk	12	12	—	1	—	2	—	1	—	14	—	—	12	30
Cat	6	—	—	—	—	—	—	1	—	—	—	—	6	1
Porcupine	5	2	—	—	—	—	—	—	—	—	—	—	5	2
Groundhog	8	1	—	1	—	—	—	1	—	—	—	—	8	3
Rabbit	1	—	—	—	—	—	—	1	—	—	—	—	1	1
Weasel	—	—	—	—	—	—	—	1	—	—	—	—	0	1
Turkey Vulture	1	—	—	—	—	—	—	—	—	—	—	—	1	0
Sheep	6	1	1	—	—	—	—	—	—	—	—	—	7	1
Total	145	34	35	8	2	15	1	14	1	14	0	3	184	88

* In a few cases, animals were stolen or injury data was not recorded.

Table 4. Swelling* Caused by Foot-Snare (F.S.) and Leg-Hold (L.H.) Traps.

	None		*Slight*		*Moderate*		*Extensive*		*Total*	
	F.S.	*L.H.*	*F.S.*	*L.H.*	*F.S.*	*L.H.*	*F.S.*	*L.H.*	*F.S.*	*L.H.*
Coloured Fox	55	9	25	4	1	2	—	1	81	16
Grey Fox	1	—	—	—	—	—	—	—	1	0
Raccoon	41	13	8	2	—	5	—	2	49	22
Coyote	2	—	3	1	—	—	—	—	5	1
Dog	7	2	1	2	—	—	—	—	8	4
Skunk	11	14	1	4	—	1	—	—	12	19
Cat	5	—	—	—	1	—	—	1	6	1
Porcupine	5	1	—	—	—	1	—	—	5	2
Groundhog	8	2	—	1	—	—	—	—	8	3
Rabbit	1	—	—	—	—	1	—	—	1	1
Weasel	—	1	—	—	—	—	—	—	0	1
Turkey Vulture	1	—	—	—	—	—	—	—	1	0
Sheep	7	1	—	—	—	—	—	—	7	1
Total	144	43	38	14	2	10	0	4	184	71

* In a few cases, animals were stolen or swelling data was not recorded.

once it rained. Frost had the same effect on the foot-snares and leg-holds. Both traps became inoperative when the ground froze and the animals could not depress the trigger.

To date we have not tested the foot-snare in water sets. It is doubtful if the trap can be made to work in water except perhaps under unique circumstances where animals such as otter are walking through shallow water. A potential exists for modifying this trap for catching large long-legged birds for research studies.

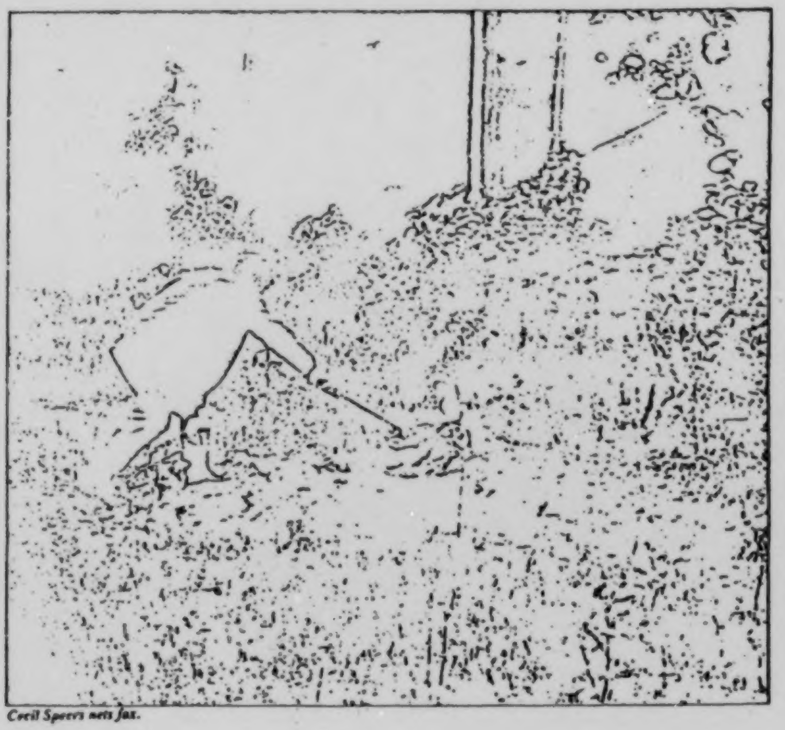
Particular problems could arise with the use of the foot-snare live-trap in certain areas where deer or bear might be caught accidentally. Two safety release systems to avoid such occurrences have been designed for use with the foot-snare. These ensure that they release captured animals which exert more than a predetermined force on the snare. The Ministry is perfecting these designs and testing the prototypes.

Field testing continues and emphasis is placed on learning how to trap after freeze-up and how to trap animals such as fisher (*Martes pennanti*) and lynx (*Lynx canadensis*). More field testing is needed in trapping coyotes with the foot-snare.

In summary, field results to date have shown that the foot-snare is just as effective in capturing furbearers as the leg-hold trap but with a greatly reduced injury rate. Although the two trappers were initially skeptical of this new device, they eventually expressed preference for the foot-snare over the leg-hold trap because of the foot-snare's comparable efficiency and greater humaneness.

Patent applications for the foot-snare live-trap have been filed in Canada and the United States. An 18 minute film about the foot-snare is available on loan from:

Director
Information Services
Ministry of Natural Resources
Queen's Park
Toronto, Ontario
Canada M7A 1W3



Cecil Speers nets fox.

Mr. WAXMAN. Thank you very much, Ms. Stevens. We appreciate that testimony.

Mr. Robertson.

STATEMENT OF J. HIBBARD ROBERTSON

Mr. ROBERTSON. Mr. Chairman, members of the subcommittee, thank you for inviting me to testify.

I am Hibbard Robertson, executive vice president of Woodstream Corp., a publicly owned corporation listed on the American stock Exchange.

Our products include rodent traps, mole and gopher traps, cage traps, snares, body-gripping Conibear traps as well as leghold traps.

These products are used by pest control firms, local humane societies and municipal animal control organizations, State and Federal wildlife managers, farmers, trappers supporting the fur industry, as well as homeowners attempting to control animal and rodent pests.

Legal counsel has informed us that H.R. 1797 could seriously damage our company by outlawing the sale of mousetraps, rat traps, conibear and leg-hold traps, products which represent at least one-third of our total business. It would be a devastating blow to our employees and stockholders not to mention the jobs which would be affected in agricultural, livestock, and fur industries and the difficulties it would present for those charged with pest and predator control and the sound management of our Nation's wildlife.

Supporters of this bill claim the leg-hold trap is an old device and virtually unchanged since its inception. Nothing could be further from the truth.

Many innovations have been developed over the years for the express purpose of reducing trap and self-induced damage to captured animals.

I would like to tick off a few of these changes.

Elimination of teeth in trap jaws, contrary to what I just saw, I know of no trap manufacturing company in this country that manufactures jaws with teeth.

No. 2, trap designs have been improved to allow animals to be caught and held by smaller and weaker traps. I would estimate between 75 and 90 percent of the fur taken in this country is done so with a size 1.5 trap or less and 1.5 has a jaw spread of under 5 inches. Offset jaws have been designed to reduce the impact on the animal's foot and improve blood circulation in the foot while the animal is restrained.

The insertion of swivels on traps, and on trap chains to reduce the possibility of the animal hurting himself after being caught. Center mounted chains have also been placed on the trap to help prevent self-induced injury.

Since 1975 when hearings similar to this were conducted on H.R. 66, we have assisted the Predator Management Research Section of the U.S. Fish and Wildlife Service on their leghold trap research project being conducted by the Denver Wildlife Research Office.

We have worked with the Federal Provincial Committee for Human Trapping in Canada to develop efficient and humane techniques for capturing fur-bearers.

We are now associated with the Canadian Fur Institute organized to carry out the findings and field test devices developed by the committee. We are also working closely with the State fish and wildlife agencies to develop improved life-holding devices for use on land.

We have concentrated on restraining devices since two-thirds of all wildlife traps sold are of the leg-holding type.

Being a consumer products company, we must respond to the requirements of our market. Some of our newer innovations include the power leg snare and the soft catch trap introduced earlier this year.

In the soft catch trap the so-called steel jaws of the regular leg hold trap have been replaced by pads set in deep offset jaws. These rubber-like pads grip an animal's foot without injuring it. The soft catch trap also has a shock absorber in its center-mounted chain and a swivel system which reduces the possibility of the animal injuring itself after capture.

A study released in January 1984 by Mr. Benjamin Tullar, an associated wildlife biologist of the New York Department of Environmental Conservation indicated little foot damage to foxes and raccoons when this device is used.

In tests conducted by the Denver Wildlife Center, 90 percent of the coyotes captured were virtually damage-free even after being retained in the trap for 48 hours.

Trap technology is moving forward and those who choose to ignore trap improvements are either uninformed or opposed to the trapping of wildlife on philosophical grounds.

Since Woodstream manufactures all types of traps, we do not have a vested interest in any one type. As a result, we feel qualified to comment on the practicality of cage traps and snares as possible alternatives to the leg-hold trap.

Cage traps are fine where an occasional animal must be removed from an area but they are too cumbersome where a number of animals must be trapped and predators like fox and coyote will seldom enter such a trap.

Our research on snares has been disappointing inasmuch as a cable, even coated ones, either cuts the skin or inhibits circulation much like a tourniquet. They are very difficult to use in certain sandy soils and under water where much of the trapping is done.

The fact of the matter is at this point there is no practical substitute for some form of leghold trap. I suggest that those who oppose the use of the leghold trap would really like to eliminate trapping altogether.

That being the case, it seems to us that those who oppose the use of wildlife for human benefit are advocating a double standard. We wear shoes and belts made of leather and carry handbags or wallets made from the skins of slaughtered animals. Thousands of calves, lambs, chickens, pigs, and turkeys have their throats cut each day because most of us are not dedicated vegetarians.

If we can eat meat or wear animal hides on our feet or around our waist from farm animals, why is it not equally acceptable to use wild animals for our benefit, especially since with today's limited habitat most will die from causes far less humane than trapping?

In our view, the proposed H.R. 1797 imposes a double standard which this committee should not recommend and which the Congress of the United States should not support.

[The prepared statement of Mr. Robertson follows:]

Woodstream
CORPORATION

LITITZ, PENNSYLVANIA 17543 • 717/626-2125
TELEX 902-221

J. Hibberd Robertson
Executive Vice President

August 3, 1984

The Honorable Henry A. Waxman
Chairman, Subcommittee on Health
and the Environment
Committee on Energy and Commerce
2415 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Waxman:

Woodstream Corporation, a publicly-owned company listed on the American Stock Exchange, manufactures a wide variety of products for hunting, fishing, pest and predator control, and wildlife management. While the majority of our products are manufactured in Lititz, Pennsylvania, our Fenwick fishing rods are produced in facilities located at Westminster, in your home state of California.

Our Victor Division in Lititz, manufactures mouse, rat, mole and gopher traps, cage or "box" traps, snares, quick kill devices called "Conibear" traps as well as leghold traps. These products are used by professional pest control firms, local humane societies and municipal animal control organizations, state and Federal wildlife managers, farmers, trappers supporting the fur industry as well as homeowners attempting to control animal and rodent pests.

Of these various trapping devices, our sales records indicate the need is greatest for rodent traps and the leghold trap in its various forms. This bill would prohibit interstate and foreign commerce in not only these, the most efficient, practical and affordable trapping devices available, but all trapping devices excluding snares and cage traps. This bill would even eliminate the Conibear type body gripping trap which many humane societies have advocated over the years. For all practical purposes, H.R. 1797 would eliminate the trapping of rodents and wildlife in this country and cause irreparable harm to the nation's agricultural, livestock, wildlife management and fur harvesting operations.

In addition, H.R. 1797 would do serious and probably fatal damage to our company by outlawing the sale of products which, during the last five years, have represented at least one third of our total business. It would be a devastating blow to our approximately 700 employees and 1,250 stockholders, not to

MANUFACTURERS OF FISHING, WILDLIFE MANAGEMENT & PEST CONTROL EQUIPMENT

mention the many jobs which would be lost in the agricultural, livestock and fur industries, and the difficulties it would present for those charged with pest and predator control and the sound management of our nation's wildlife.

Proponents of the proposed legislation claim the leghold trap is inhumane and virtually unchanged since its inception. Nothing could be further from the truth. Many innovations have been adopted over the years, many of them developed by Woodstream for the express purpose of reducing trap and self-induced damage to captured animals.

These innovations include:

1. Elimination of teeth in trap jaws.
2. Trap designs which allow animals to be caught and held by smaller and weaker traps.
3. Off-set jaws to reduce the impact on an animal's foot and to improve blood circulation in the foot while the animal is restrained.
4. Insertion of swivels on traps, and on trap chains, to reduce the possibility of the animal hurting itself after being caught.
5. Center-mounted chains which also help prevent self-induced injury.

Since 1975, when hearings were conducted on H.R. 66, we have been involved in an ongoing program to develop more humane and efficient traps for fur harvest and predator control work. We have assisted the Predator Management Research Section of the U. S. Fish and Wildlife Service in their padded jaw modified leghold trap research project being conducted by the Denver Wildlife Research Office, both with device prototypes and technical assistance. We have worked very closely with the Federal Provincial Committee for Humane Trapping in Canada, comprised of representatives of the various Fish and Game Agencies across Canada as well as the Canadian fur interests in an effort to develop efficient and humane techniques for capturing furbearers. We are now associated with the Canadian Fur Institute organized to carry out the findings and field test devices developed by the F.P.C.H.T.

We have also been working closely with various State Fish and Wildlife Agencies in an attempt to develop improved live holding devices for use on land. We have been concentrating on restraining devices since conservatively two-thirds of all traps sold are of the leghold type and as businessmen we must respond to our market's need. Some of our newer innovations include the power leg snare and the "Soft Catch" trap introduced earlier this year after more than seven years of research and field testing. We call it a Soft Catch trap since the so-called "steel jaws" of the regular leghold trap have been replaced by "pads" made from a synthetic material and set in deep offset jaws. These rubber-like pads grip an animal's foot without injuring it. The Soft Catch trap also has a shock absorber in its center-mounted chain and a swivel system which reduces the possibility of the animal damaging itself after capture.

A study released in January, 1984, by Mr. Benjamin Tullar, an Associated Wildlife Biologist of the New York Department of Environmental Conservation, indicated little foot damage to foxes and raccoons when this device is used. In tests conducted by the Denver Wildlife Center, 85 percent of the coyotes captured in Soft Catch traps were virtually damage free, even after being retained in the trap for 48 hours.

Trap technology is moving forward and those who choose to ignore trap improvements are either uninformed or opposed to the trapping of wildlife on philosophical grounds.

As stated earlier, H.R. 1797 would, as a practical matter, eliminate all trapping devices except the cage or "box" trap, and leg and neck snares. Since Woodstream manufactures all of these devices, we do not have a vested interest in any one type. As a result, we feel qualified to comment on the practicality of cage traps and snares as possible alternatives to the leghold trap.

Simply put, cage traps are fine where an occasional animal is to be removed from an area, but they are too cumbersome when a number of animals must be trapped and predators like fox and coyote will seldom enter such traps. Our research on snares has been disappointing inasmuch as the snare cable, even coated ones, either cuts the skin or inhibits circulation.

The laws of nature dictate that only a limited number of each form of wildlife will survive the most critical time of year, which may be the cold winter months or the dry summer, depending upon geographic location. The number that survive is the carrying capacity for any particular parcel of land. Animals exceeding the carrying capacity, as high as 80 percent of the annual peak population in some species, will suffer a death which, in human terms, can be considered cruel.

Death in nature almost never is peaceful. It is a rare animal that dies by simply lying down and going to sleep. Death at the trappers' hands is no less humane, and often more so, than death by starvation, disease, predation or dehydration, the most frequent causes of death for wild animals. Death will occur whether or not we humans witness it or participate in it. I ask this Committee on what grounds is there moral justification for preferring the unobserved "natural" death to the observed harvest death through hunting or trapping.

Those who oppose the use of wildlife for human benefit are advocating a double standard. We wear shoes and belts made of leather and carry handbags or wallets made from the skins of slaughtered animals. Thousands of farmed calves, lambs, chickens, pigs and turkeys have their throats cut each day because most of us are not dedicated vegetarians. If we can eat meat or wear animal hides on our feet or around our waist, why is it not equally acceptable to use wild animals for our benefit as food or clothing, especially when most will die from causes far less humane than trapping.

In our view, the proposed H.R. 1797 imposes a double standard which the Committee cannot recommend and which the Congress of the United States cannot support.

Respectfully submitted,

Halbert Robertson

Mr. WAXMAN. Mr. Goodrich.

STATEMENT OF JAMES GOODRICH

Mr. GOODRICH. I am Jim Goodrich and I represent the Wildlife Legislative Fund of America. We are an association of sportsman's and other conservation organizations. Perhaps the best known of these is Ducks Unlimited, whose 500,000 members raise privately about $40 million every year to preserve waterfowl habitat in North America.

We provide legislative and legal defense services for these groups in Washington and in all the States. We join today with the rest of the conservation community in opposition to H.R. 1797.

It is highly significant that the professionals who manage America's wildlife are among the strongest supporters of trapping and the leghold trap, while its greatest detractors are people who have no credentials as wildlife experts. Wildlife experts endorse trapping because of its importance in the conservation of wildlife.

The National Wildlife Federation supports trapping and opposes this bill.

The U.S. Fish and Wildlife Service supports trapping and opposes this bill.

The agencies of Government that manage most of the wildlife in the United States support trapping and oppose this bill. Biologists and wildlife management experts in the colleges and universities of this country support trapping and oppose antitrapping measures.

The antitrappers say that the experts don't know what they are talking about. They say the experts don't matter because the public does not support trapping. That too is fiction.

The public support of trapping and the leghold trap has twice been put to the acid test in statewide ballot issue campaigns in Ohio and in Oregon. Voters turned in resounding endorsements of trapping by defeating both antitrap measures overwhelmingly.

Antitrappers have been taking bills to Congress and State legislatures since the twenties and these bills fail time and again. The rejection of antitrapping measures is almost automatic when people realize the importance of trapping and specifically the leghold trap in the control of wildlife populations and in the management and conservation of wildlife in this country.

The antitrappers try to make you believe that all they want to do is ban the leghold trap. The fact is that they are after all trapping and hunting and many of them oppose fishing. Some are opposed to food animal production in the United States and opposed to use of animals in scientific experiments. This bill is a perfect example of using the leghold trap as a smokescreen. This bill not only bans the leghold trap; it bans the so-called quick-kill and even mouse and rat traps.

Together the leghold and quick-kill traps are responsible for the harvest of 95 percent of all wild furs taken in the United States. It is clear that by stopping interstate and foreign trade in these traps and in the furs taken in them, all trapping will end, even for public health and agriculture damage control programs, 500,000 trappers will suffer mightily, trap manufacturers will be forced out of business, and the American fur industry, which employs about 250,000 people nationally, will be crippled.

Many Members of the Congress who are listed as cosponsors of this bill have been amazed to learn these facts. It seems that the antitrapping people have told them a different story. The antitrappers boast of having many cosponsors of this bill, but I dare say they will have a very tough time signing up so many people in the next session of the Congress.

You would think that the antitrapping groups would have learned by now that the quickest way to win the enmity of elected officials is to try to deceive them, but these people have their own set of rules by which they conduct themselves.

Some of these groups preach lawlessness, encouraging their members to steal traps and to vandalize duck blinds and other shooting stations. When all else fails they encourage people to physically confront sportsmen. One of these groups has come out with what they call "Hints for Hunt Saboteurs," and they are dead serious about it. Another one they call "Ten Easy Steps To Ban Hunting."

They urge people to change their church if the minister happens to be a hunter. They urge people to keep their children out of the Boy Scouts because the Boy Scouts happen to be prohunting. They urge PTA's to work against teachers who happen to hunt. They urge people not to patronize doctors and lawyers who happen to hunt.

We have seen these people in action all over this Nation. It is very clear what they are after and the leghold trap and trapping are only a smoke screen.

I urge Members of the Congress to take great stock in what the professionals have to say. I am talking about the wildlife experts, some of whom are here today; the people who are responsible for wildlife conservation, agriculture, animal damage control, and animal disease control. They need trapping as a tool and I urge the Congress to reject H.R. 1797.

May I make one comment in view of the considerable interest in these 59 nations which have allegedly banned the use of the leghold trap? I have some information which, if there is time, I will be happy to provide.

Mr. **Waxman**. We will be pleased to receive it in writing and have it as part of the record.

Thank you very much.

Mr. Regenstein.

STATEMENT OF LOUIS REGENSTEIN

Mr. **Regenstein**. Thank you, Mr. Chairman.

My name is Louis Regenstein and I am vice president of the Fund for Animals.

I regret that at the last minute Cleveland Amory, president of the fund, could not be here today, but I appreciate the opportunity to deliver the testimony of Mr. Amory and our national chairman, Bob Barker.

The bill that is before you today has the potential to save more animals from pain, torture, suffering, crippling, and death than any piece of legislation I can think of the Congress has considered in my memory.

The victims of leghold traps include pet dogs and cats, eagles, endangered species, virtually any animal that roams outdoors, including small children.

Literally tens of millions of animals are trapped in the United States and Canada each year and the only effective way we can address this critical problem is to remove some of the economic incentive for trapping, which this bill will do.

On behalf of our over 200,000 members nationwide, I urge you to act quickly to pass this legislation.

You don't have to fake scenes of animals suffering in leghold traps and I deny that we have ever done so as was charged by Congressman Young in his testimony. That is a very serious charge to make and if he has any documentation we would be very interested in seeing it.

I challenge him today to prove that charge or to retract it.

With me is our expert witness, author, and naturalist, Hope Ryden, who has written nine books on North American wildlife and spent 15 years in wilderness areas doing field work.

She has personally witnessed the terrible harm done by trapping to wildlife pets and would like to share some of her experiences with you now.

STATEMENT OF HOPE RYDEN

Ms. RYDEN. I am pleased to be here today and thank you for holding these hearings.

I have had first-hand experience with the leghold trap and its victims. I have found animals in traps. I have released animals from traps. I have found animal paws in traps that have been wrung off and my own dog has been caught in a leghold trap in New York State where I live when not in the wilderness.

I would like to address the point that having a smaller size trap is the answer. My dog was caught in a very small sized trap. However, she managed to dislocate her toes by jerking and screaming in pain trying to release herself.

Animals will do this regardless of the size of the trap. They will, as soon as the paw goes numb, start to chew off the paw that they don't feel now and, of course, this is very damaging to an animal.

My neighbor's cat was not so lucky. It had its hind leg in a trap and this is another thing about trapping. Earlier I heard Congressman Young say that an owl will kill a rabbit, so after all it would scream like a rabbit would scream. That is 10 seconds of suffering. These leghold traps hold animals for 2, 3, 4, 5 days before they die. Mercifully they die eventually but it is not 10 seconds of a rabbit scream so there is really no comparison there.

Some of the other points I would like to make is that these traps are everywhere and traps I have found in posted areas, in watershed areas and in one part of the United States that is really off limits to everybody. I had to have clearance to go there and that was in Idaho. I was tracking bobcats in Idaho for a book I wrote and in that State I was having a difficult time, so I found a research area on the national nuclear reactor testing station and, of course, I had to be equipped with a geiger counter to work there and be cleared. I was there for a number of weeks. It was very hard to find bobcats. Finally the security officers discovered why; 80 leghold traps set for bobcats by people who had invaded this high security area just to trap illegally.

I reported this to the Idaho officials and they said, how could we possibly enforce this law? We have one warden for 3,000 square miles. So what happens, a 72-hour visitation regulation that people should visit their trap lines every 72 hours is completely ignored. One warden in Idaho was gunned down by an irate trapper who was so outraged that he was going to be cited for his out of season trapping that he murdered him.

I did a study on eagles. I have an eagle book coming out soon with an introduction by Roger Tory Peterson. In Minnesota I visited the rehab center at the University of Minnesota Veterinary School and these are 50 eagle legs that had to be amputated as a result of birds brought in who had been caught in leghold traps.

That is 50 feet of 50 bald eagles, our American symbol.

Thank you very much. I have complete testimony which I would like to enter into the record.

[Ms. Ryden's prepared statement follows:]

Statement of Hope Ryden
Submitted to the
Subcommittee on Health & the Environment
of the
United States House of Representatives
June 1984

My name is Hope Ryden and I live at 345 East 81st Street, New York City. I am pleased to submit for the record a written statement to the Subcommittee on H.R. 1797 and to commend the distinguished Chairman and the Subcommittee for addressing the need to proscribe the leghold trap in the United States. This device is the most brutal and non-selective of implements used to capture animals and I urge passage of this legislation.

As a naturalist and author of several books and many articles on North American wildlife, including BOBCAT YEAR, GOD'S DOG (on coyotes), AMERICA'S LAST WILD HORSES, and THE LITTLE DEER OF THE FLORIDA KEYS, I have spent much time in wilderness areas tracking and studying my subjects. As a result, I have had first-hand experience with the leghold trap and its victims. In fact, at times I have found it necessary to abandon research areas as a result of the prevalence of this device and its effects on the population of animals I was trying to observe.

Before describing trapping impact on wildlife, however, I should like to tell you about my experiences with the leghold trap close to home and involving pets. Anyone who believes that trapped animals do not suffer should have been with me one afternoon in October of 1980 while I was walking with my two dogs in a wooded area some thirty-five miles northwest of New York City. For ten years I have rented a weekend cabin in this protected watershed area, which provides drinking water for a number of neighboring communities in northern New Jersey and several small towns in New York State. The area is off-limits to outsiders for obvious reasons. The water supply must be protected from deliberate or inadvertent pollution. Trespassers are subject to prosecution and severe penalties. The six families that are permitted to rent existing houses in the area are carefully screened and would be held responsible for any action on their part which might jeopardize the water supply. This watershed area is particularly attractive to me, as a naturalist, for raccoons, fox, deer, beavers and birds of all kinds are protected here. Nevertheless, trappers illegally invade the area and, in recent years, since the price of long haired wild furs has soared, it is hardly safe to take a walk in the region.

On that day in October when my dog "Zoe" was trapped, I was enjoying the autumn leaves in this section of the Ramapo Mountains when I heard her screams. She is a shepherd - collie mix of unusually stoic temperament. Her veterinarian describes her as the most uncomplaining dog she has ever treated. So when I heard her anguished cries, I knew she was suffering terrible pain. I ran to her side and discovered that her front toes were tightly clamped in steel jaws and her violent efforts to jerk free were exacerbating her pain. It was apparent that if I did not release her quickly, she would dislocate all of her toes. Yet I could not do this, for the dog was yanking and pulling against the trap with such violence that I did not dare to pull it open for fear the tightly sprung device would be jerked from my hands and snap shut again on the animal's already injured paw. I called for help at the top of my lungs and a companion came running. Together we released the dog; I held Zoe tightly to restrain her,while he, needing both hands to do so, opened the trap. Because we managed to release the dog within minutes of her becoming trapped, she sustained no permanent crippling. Had I not been present to restrain her from self injury, however, she certainly would have dislocated all of her toes.

My neighbor's cat was not as lucky as "Zoe." It disappeared in the middle of winter and when a two-day search failed to turn up the missing animal, my neighbor, Mr. Thomas Wagner, presumed his pet was dead. However, on the third day, her pitiful mews were heard and the cat was discovered caught by a hind leg in a leghold trap. The animal was in terrible condition. Her leg had frozen and ultimately had to be amputated. My neighbor, Mr. Thomas Wagner, had to make a decision whether to have her "put down" or attempt surgery on her mangled leg. He chose the latter course, and today the cat hobbles about and cannot be allowed outside for it can no longer protect itself from dogs by running up a tree.

Two other dogs in this presumably protected area were also caught in traps. One, a dalmatian puppy whose bones were still soft, suffered permanent crippling. The other, a full grown Norwegian elkhound, recovered from painful injury in about a month's time.

Those incidents point up a number of misconceptions commonly held regarding the leghold trap. Number one: The weight of a trap does not in itself determine the extent of the damage it can inflict. The normal reaction of a trapped animal is to try to escape. My dog would have dislocated her toes in short order had I not been nearby to prevent her from doing so. I have observed animals in the wild who have chewed off a leg to gain escape from a trap. Number two: Traps are everywhere. No one's pet is safe from these barbaric devices. Number three: Trapping regulations are of no protection to pets or wildlife. None of the traps described above were marked with identification tags as is required by law. Several were set out-of-season. All were placed on private, posted land.

The flouting of existing trapping laws cannot be dismissed as an isolated phenomenon peculiar to New Jersey (which state, incidentally, has now seen fit to ban the leghold trap.) While conducting field research in the West, I frequently found illegal, unmarked and out-of season traps on our public lands. In Arizona an angry rancher (who within the space of a day suffered the crippling of his two most valuable herding dogs and an injury to his two year-old grandson) led me to forty-one out-of-season and unmarked traps set on the public grazing land he leased. He told me it would be dangerous for him to protest. If he did so, he said, the trappers likely would react by shooting his water tank full of holes or by leaving his gates opened. I promised not to use his name when I called the Arizona Game and Fish to register my complaint: The game warden I spoke with responded as follows:

> "Enforcement of trap laws is a heart-breaking job. We can spend four days a week and that's not enough. The answer is a drop in fur prices. If prices fall, trappers won't bother with the coyote and fox that much. We only have 51 men to patrol the whole state. Judges can fine $300 for trapping offenses but they never do it. The $30 trapping fee was meant to slow down trapping but they're just not bothering to get licenses. Don't quote me on this, but everyone would agree with me."

The Arizona Department of Game and Fish is evidently resigned to the unenforceability of what trapping regulations do exist. Still, another conservation officer told me:

> "Each officer has 2,000 square miles of rugged terrain (to patrol). Poachers are willing to take the small risk of being apprehended and the even smaller risk of trapping out-of-season and without a license."

Arizona need not be singled out as an isolated example of poor law enforcement. In Idaho, in 1979, while attempting to track bobcats and observe their behavior for a book I was then writing (BOBCAT YEAR/Viking Press), I encountered even more flagrant abuses than what I had seen in Arizona. The whole business of trying to locate bobcats in Idaho wilderness areas was discouraging. The animal, elusive by nature, had been overtrapped to an unknown extent throughout the state. I say "unknown extent" because records of trapping pressure on a species must necessarily rely on "reported" take. Poachers, of course, do not cooperate with game and fish personnel to report either the animals they meant to harvest or those unwanted animals they have caught inadvertently and disposed of. Poaching is rampant in Idaho. In 1980 one dedicated law enforcement officer lost his life to an irate poacher who gunned him down in order to escape being cited for his illegal activitiy.

As a result of the difficulty I had locating bobcats to study in the state of Idaho, I decided to look for a research area that was off-limits to the public, one in which trapping was not permitted, and I found what I regarded as the ideal spot -- the National Nuclear Reactor Testing Station -- a 640 square mile high security region. After obtaining the necessary clearance and permissions to enter the area, I went to work there looking for my subject. But bobcats were scarce there, too, and after several weeks of poorly rewarded effort, I discovered why. The security officers who patrolled the area found 80 leghold traps set for bobcat!

The fact that trappers do not even respect such a high security area as a nuclear testing station is clear evidence that this activity is ungovernable - one in which participants are willing to flout regulations for whatever monetary or psychological reward trapping brings them. Throughout Idaho conservation officers were even more hard put to patrol and enforce laws in rugged wilderness areas than had been those officers I spoke with in Arizona. Each warden in Idaho was responsible for patrolling a 3,000 square mile district. Poachers and scofflaws had not the least difficulty eluding detection.

And what of the wild animals I have seen struggling against desperate odds to make a living in bitter winter weather on only three legs? I have many photographs of coyotes in this condition. In the winter of 1973 I watched a full grown but still young three-legged coyote posture and beg like a puppy before an adult pair who then regurgitated food for it. I surmised that the three-legged animal was one of their young of the previous year. On another occasion I found a badger paw in a steel jawed leghold trap. The animal to whom it belonged had apparently wrenched itself free from the brutal device by wringing off its all-too-important front leg. Badgers, as you know, must have two front paws in order to burrow.

And while on assignment for GEO magazine to study and write about the American bald eagle, I visited the University of Minnesota Raptor Research and Rehabilitation Center in St. Paul, where I was shown a drawerful of eagle feet -- thirty in all -- that had been amputated from birds crippled in leghold traps.

Of the 237 bald eagles that have been brought to this clinic for treatment since it opened, 59 or 24% have been victims of the leghold trap. The veterinarian in charge, Dr. Patrick Redig, expressed the opinion that these trap casualties represented only the tip of the iceberg. Most trappers, he said, would be too ashamed to bring in a bald eagle caught in one of their traps and likely would turn the bird loose without benefit of medical treatment. Such untreated birds, he stressed, would stand little or no chance of surviving. Redig's experience treating 59 trap-injured bald eagles clearly demonstrates that even those birds whose traumas appear to be slight steadily worsen. Tissue damage caused by lack of circulation below the point of trap constriction almost inevitably results in the death of the leg. Redig took me on a tour of the bird wards and showed me a number of one-legged eagles which could never be released, for eagles need their feet to kill food.

While at the Raptor Rehab Center, I saw a screech owl brought in with both legs chopped off by a leghold trap. That bird, of course, had to be euthanized.

Dr. Redig named the species that have been brought to his avian clinic with severe trap injuries, a total of 300 birds. These are: The barred owl, the great horned owl, the red tail hawk, the rough legged hawk, the goshawk, the screech owl, the broad winged hawk, the golden eagle and the bald eagle.

The above descriptions are but a few of the experiences I have had in the fifteen years I have studied wildlife. During this time I have become convinced that the leghold trap is a device that ought have no place in responsible stewardship of wildlife. What few laws are in place to regulate this so-called sport have proved useless. It is time to get rid of the device altogether for it is inherently cruel and non-selective. To what extent the leghold trap has impacted threatened and endangered species will never be known. These unwanted victims are an embarrassment and are not reported.

To obtain some idea of the incidence of crippling of wild animals caught by the steel jawed leghold traip, I would like to call your attention to a four year study conducted on the Wheeler National Wildlife Refuge in Alabama by Thomas Atkinson and published in the Journal of Wildlife Management. Eighteen trap permits were issued to local citizens who trapped from the beginning of the fur season in late November until the end of the season in late February. The most common trap used by these people was the long-spring size 1½ although some No 3 and No 1 traps were used, as well as coil spring, long spring, jump, single jaw, double jaw and high grip. One stipulation was made: The men granted permits to trap on the Refuge were required to report all crippling that resulted. For purposes of the study this would include all animals that had pulled out of traps by wringing off or gnawing off feet. The following information resulted:

1) 209 mink were caught during the four year study; an additional 79 were crippled (27.6%).
2) The raccoon catch was 429; an additional 137 raccoons were crippled (24%).
3) 962 opossums were trapped; 19 were crippled. This lower incidence is likely due to the docile nature of this animal.
4) There were 196 foxes (red and gray) trapped; 69 additional foxes were crippled (26%).

Since the study covered a four-year period and involved individuals with varied degrees of trapping skill using a variety of trap sizes and types and experiencing all kinds of weather conditions, the percentages here should give a good indication of the extent of this problem.

Most nations now recognize the truth about trapping. Fifty countries and three states no longer permit use of the leghold trap, holding it to be a non-selective, ecologically damaging device that inflicts unnecessary suffering on animals. It is past time that we in the United States follow the lead of Burundi, Equatorial Guinea, Gabon, Gambia, Ghana, the Ivory Coast, Kenya, Liberia, Mali, Mauritania, Morocco, Rhodesia, Senegal, Swaziland, Tanzania, Togo, Tunisia, Uganda and Upper Volta, which countries have banned every form of trapping. At the very least we must take note of the countries that no longer permit the use of the leghold trap and join their ranks. These countries are: Austria, Bangladesh, Belize, Brazil, British West Indies, Chile, Colombia, Costa Rica, Denmark, the Federal Republic of Germany, Great Britain, Hong Kong, Hungary, India, the Republic of Ireland, Israel, Jamaica, Jordon, Malawi, Malaysia, Mozambique, Niger, Norway, Portugal, Seychelles Islands, Singapore, Sweden, Switzerland, Trinidad and Tobago.

I urge the members of this committee to recommend passage of H.R. 1797. It is past time that the United States join these enlightened nations and ban the cruel and non-selective steel jawed leghold trap.

Mr. **WAXMAN**. Thank you very much. We will be pleased to receive it and without objection it will be made part of the record.

Mr. Regenstein, you represent the Fund for Animals?

Mr. **REGENSTEIN**. Yes, Mr. Chairman.

Mr. **WAXMAN**. Mr. Goodrich's testimony, for the most part, was an attack on the organizations that are supporting this legislation. He named a whole bunch of specific other issues where he thinks you have a hidden agenda. Is it your purpose to end trapping completely?

Mr. **REGENSTEIN**. Mr. Chairman, the bill we are supporting here today is a very mild bill. It would not end trapping and we are endorsing this bill, realizing that it will only go a small way; it will do a lot of good. It will be a tremendously successful bill in reducing the suffering and torturing and killing of animals but it will not go as far as we would like it to go and we make no secret of that whatsoever.

We have been very critical of many aspects of trapping, hunting and the fur industry and there is nothing secret about our views. We are in the business of protecting wildlife, trying to promote humane treatment of animals. All you have to do is write us and get on our mailing list and we will be happy to send you our literature that makes all these things perfectly clear so this really isn't much of a revelation on the part of the former witness.

Mr. **WAXMAN**. So if you had your way, you would prefer not to permit any hunting or trapping at all. But the bill only goes part of the way; isn't that right?

Mr. **REGENSTEIN**. We would be delighted to see all torturing and suffering and unnecessary killing of animals eliminated. Of course, we don't live in an ideal world.

I remember when we were trying to get some of the predator poisons like strychnine and cyanide banned from public lands. We suggested at that time, as an alternative to the massive poisoning, selective hunting and trapping of coyotes that might be killing sheep.

We are not fanatics on this issue. We recognize that in certain situations perhaps some trapping or killing of animals is necessary simply because it is better than the alternative. So we have never taken a stand that no animal should ever be killed at any time for any reason. We are generally in favor of protecting wildlife and other animals from unnecessary killing and torture and pain and suffering, and everyone who knows the Fund for Animals and many other groups today represented know that.

Mr. **WAXMAN**. I guess the question is whether pain and suffering is necessary for another purpose, which would be to gather the furs of these animals for commercial purposes; then is it necessary to do that in such a horrible way? Is that the way you would put the question?

Mr. **REGENSTEIN**. We are not great fans of the fur industry. We have done everything we can to encourage——

Mr. **WAXMAN**. I don't think that they like you either.

Mr. **REGENSTEIN**. We are very proud of some of the enemies we have. We have done everything we can to try to persuade the women and the men of America not to buy fur coats, not to wear fur coats.

Let me take one moment to cite——

Mr. **Waxman**. I will have to refuse you doing that because of the limited time. If we don't have it in the record, we will be pleased to receive it.

Mr. **Regenstein**. Let me say there is a better way if you have to kill animals. Almost any way of killing them is better.

Mr. **Waxman**. Woodstream Corp. makes a leg snare, but it is not marketed in the United States—only in Canada. I want to know if that is correct. If it is, why is it the case?

Mr. **Robertson**. First of all, it is correct; we do make a powered leg snare. It was first introduced in Canada because we tested Milan Novak's leg snare and found it to be inefficient. We developed one which would be less costly and could be used in more places.

We are going to introduce that in the United States, but I must tell you they are outlawed in many States in the country. Therefore, from a marketing point of view it is probably a limited situation for us.

One thing I would like to make clear——

Mr. **Waxman**. They are outlawed in many States of this country but permitted in Canada?

Mr. **Robertson**. Yes.

I think people who hunt with dogs, and others, have forced legislation through the States that outlawed many of the so-called leg snares.

Mr. **Waxman**. Ms. Stevens, would you comment on that?

Ms. **Stevens**. Thank you.

I would like to comment that there are many States that outlawed snares. In general, that means the neck and body snares that I referred to. The reason they are outlawed is, they are very cheap. Anybody can take a piece of wire and made a snare, and actually that is not good for Woodstream's business at all. However, since woodstream is making leg snares now, they can make just as much money selling leg snares, and that is what we hope they do.

They have bought up the Havahart Box Trap Co., and they can make money on that. They are losing money, as we found in the SEC report, on the leghold steel jaw traps now.

Mr. **Waxman**. Is it your contention they manufacture a leg snare which is more humane, but they are not selling it in this country?

Ms. **Stevens**. Yes; and the Novak leg snare is going to be available by Christmas, also in Canada. There will be a number of choices of alternatives to the steel jaw leghold trap, all of which are vastly less cruel.

Mr. **Waxman**. Mr. Robertson, you mentioned in your testimony that since you manufacture a number of alternatives, you were in a good position to comment on the alternatives.

Mr. **Robertson**. I would like to make——

Mr. **Waxman**. Why don't you sell this alternative in this country?

Mr. **Robertson**. As I said, we are going to, sir. It has only been available to us this past season. Trapping is only done in most places from November through the end of January.

This device has been developed. We wanted to test it, see if it was accepted in Canada, because Canada was leaning towards this device in the Province of Ontario. We wanted to see if, in fact, the consumer would buy it. As a matter of fact, they have not. That, of course, as a businessman, is of concern to us.

Mr. **Waxman**. Because it is not effective, or——

Mr. **Robertson**. No. We think it is effective. But I don't feel the trapper feels it is as universal a device, and it isn't. It can't be used in many terrains or weather situations. I think that is the reason that our customer doesn't buy it. But it is available.

Mr. **Waxman**. So we have an alternative really that is probably more humane. It is not as desirable because the trapper is used to the other traps, and they are probably more effective, but it seems to me if they have an alternative and it is effective, maybe that is a reasonable course for them to take.

Mr. **Robertson**. Since this is probably one contribution I can make here today, let me say what the alternatives are and what we have found. Our position as a company is that we believe in trapping. We support wildlife management. We want to help the farmer protect his crops and agricultural herds. But it is also our position that we want to make this as humane a procedure as possible. For that reason, we do offer all kinds of traps, many of which have been mentioned here this morning.

Our problem is that we can offer the product, but the consumer has to buy it. The consumer, the market, makes the judgment as to what is the better device for his particular purpose. Now, our-cage trap has been sold for a long time, and we sell them to human societies, homeowners, et cetera, and they are effective. But it is cumbersome; it is expensive from the point of view of the trapper.

We make leg snares. We have been in the snare business a long time. The particular powered leg snare version that has been referred to is a newer development.

Mr. **Waxman**. Let me interrupt. I guess what maybe we are called upon to do is to weigh the convenience of the trapper versus something that may allow him to continue in business and be a little more humane toward a living animal. They may not make that choice in the marketplace, but there are times when the Congress of the United States has to come in and decide that marketplace alone should not make the judgment. There are other questions involved.

Mr. **Robertson**. I understand. We are trying to cover so much ground in such a short time.

The cage trap which I referred to, which is cumbersome, also won't catch some predator species. They just simply will very seldom go in it. So the person trying to capture the wildlife considers whether the device will in fact catch the animal, whether it can be used universally, what it costs, and whether it is legal or illegal. He considers all those things before he purchases one of our products.

Mr. **Waxman**. Mr. Walgren.

Mr. **Walgren**. Thank you, Mr. Chairman.

Mr. Robertson, you mentioned a relatively small trap in your testimony, I think.

Mr. ROBERTSON. Yes. The size 1½ is a fox trap used for fox and raccoons—two of the larger furs that are harvested in this country. And I believe I am correct in saying that its jaw spreads around 4⅞ inches. That is ours. There are other devices made by other companies. I am talking about our product.

Mr. WALGREN. This device is made by Victor, I guess?

Mr. ROBERTSON. That is us.

Mr. WALGREN. That is you.

It is a No. 2. That is a relatively small trap, too; is that right?

Mr. ROBERTSON. Yes, it is.

Mr. WALGREN. OK.

Mr. ROBERTSON. The 1½ would be smaller than that. As the number goes down, the size goes down.

Mr. WALGREN. What is the pressure that these springs generate? Has anybody ever measured that?

Mr. ROBERTSON. I can't tell you pounds per square inch. But I can make a reference to a new device we have talked about—the soft-catch trap. Those things are weaker by 35 to 40 percent than the conventional trap because the pad is so designed that it acts like a Chinese finger and can keep the limb from rolling out of the trap. So the spring pressure need not be as great to hold the animal.

I cannot tell you, sorry, the pounds per square inch. I don't have it in my mind.

Mr. WALGREN. But there is no question that these relatively small traps do an awful lot of damage, is there?

Mr. ROBERTSON. Are you asking my opinion of that?

Mr. WALGREN. Yes.

Mr. ROBERTSON. I have seen pictures like are here on the table in front of me, and I know these occurrences can occur. I think what we are talking about is the frequency with which they occur.

We have been working constantly, as I mentioned earlier—it probably didn't mean much to people—but with center-mounted chains and offset jaws and swivels and reduced spring pressure and added pads. We have been working constantly to reduce damage to the animal, further and further.

Mr. WALGREN. I notice in this book it says something to the effect that Connecticut and Tennessee have banned leghold traps except when used in burrows.

Is there any change in their experience? How many animals are taken? Do we have records of how many animals were taken in Connecticut and Tennessee, before they made that change and after?

Mr. ROBERTSON. You are asking the wrong man, sir. Maybe the Fish and Wildlife people could tell you, or maybe someone is here from Connecticut Fish and Game. I don't know.

Mr. WALGREN. Does anyone know whether there is attention given to the leghold trap in burrows? Is that something anyone would know?

Perhaps there are other witnesses that might be able to help us.

It certainly seems that in all these instances as a practical matter the Federal Government is looking for differences in experiences when we change behavior, and when some States make these changes. If there are any differences in this, I would hope they would be called to the attention of the committee, and I would hope we could learn something from them.

Mr. **Waxman**. Mr. Walgren, I think someone in the audience wanted to volunteer.

Mr. **Thomas**. I am Gerald Thomas with Woodstream Corp.

In Connecticut, they banned the leghold trap in approximately 1930, and this regulation trap inside the burrow they have tried since that time to get it back on land. And I attended a Senate committee hearing late last year where they are considering legislation to do something to bring that trap out of the burrow so they can effectively manage or harvest those animals on land.

If you have any questions on the leg snare, also, that the Woodstream Corp. has, I would be happy to answer those questions.

Mr. **Waxman**. Thank you.

Mr. **Walgren**. Thank you.

Mr. **Waxman**. Maybe we can get information from the States involved about their experiences, too.

Mr. **Walgren**. What is there to the thought that you are losing money on your steel traps at this time? That is correct, isn't it?

Mr. **Robertson**. The trap business is a very cyclical business depending on, as someone testified earlier, the fur industry, the number of people who trap. And I would have to say that over the years the trap business has cycled up and down. I know of no trap company alone that has ever survived the cycles of the trap business. We are in one of those low cycles at this time.

Woodstream survives because we are a diversified company. But I must honestly say that the trap business is very low at the moment because the fur business is very low.

Mr. **Walgren**. Is your company planning to move to the snare—not planning to move, but are you developing this current snare that you are now marketing in Canada with internal financial planning in hopes that it will do better than the metal snare?

Mr. **Robertson**. What we are trying to do——

Mr. **Walgren**. Better than the leghold trap, for instance?

Mr. **Robertson**. What we are trying to do is offer a variety of product, because all consumers are not alike and they have differences of opinion about different products, and they live in various terrain situations where one product might be appropriate and another might not be.

Woodstream has worked—we have tested the Swedish snare mentioned earlier. You will hear Mr. Davies, I believe, about the E-z-on-em snare. We have worked with him. We are constantly trying to find devices which are effective, universally applicable and more humane. That is——

Mr. **Walgren**. Let me ask a followup question, if I might, Mr. Chairman.

As you try to find devices that are more effective, that implies you measure or have some accurate view of their effectiveness. You indicate that the leghold snare is more effective in some circumstances and less effective in others. You cite terrain as an example.

How much less effective is it in other areas?

Mr. **Robertson**. The thing that I can refer you to—and I happen to know that a study made by the department of conservation in New York exists on the E-z-on-em snare, and the data is in that study.

Woodstream, when it comes out with a new device, is very careful to try and get scientific community evaluation of its product, because being businessmen we are suspect when we advertise. So we try to get scientific community verification.

We are doing this on the padded trap. The E-z-on-em snare we tried has been tested by New York State—and that data is available.

To answer your question, there is a lot of data coming from the various State agencies and the Federal Government on the newest device, on the padded or soft-catch device. That should be published shortly.

Mr. **Walgren**. Thank you.

Mr. **Robertson**. And it is very encouraging.

Mr. **Walgren**. Encouraging that they are as effective, or what?

Mr. **Robertson**. That is correct. Effective and more humane.

Mr. **Waxman**. I want to thank the witnesses on this panel. We will have to move to the others. If you have any other thoughts you want to add to this, feel free to put it in writing and submit it for the record.

[The following letter was submitted for the record:]

SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION
P. O. Box 3719
Georgetown Station
Washington, D.C. 20007
(202) 337-2334

August 6,1984

The Honorable Henry Waxman
Chairman
Subcommittee of Health and
the Environment
2418 Rayburn House Office Building
Washington,DC 20515

Dear Chairman Waxman,

I request that this letter be made part of the record of the hearings on H.R.1797 held August 3,1984.

You asked for information on protection of livestock against predatory animals. Cable coated legsnares are the best substitute for steel jaw traps in the capture of long-legged animals such as coyotes, foxes, and bobcats. The EZYONEM, the Victor Power Snare, the Aldrich legsnare, the Novak legsnare, and the Swedish legsnare used for foxes in the snow are examples. Smaller animals such as raccoons can be caught in box traps. The attached sheet gives details. Of course trapping is far from being the only method of protecting livestock. It is most effective when a particular marauding coyote is trapped rather than attempting mass trapping of all predators. Taste aversion using chemicals such as Lithium chloride has been found to be highly effective in Saskatchewan. Lithium chloride makes an animal who eats it very nauseated, but it is not lethal. By putting out baits covered with lamb's wool predators can be trained to avoid eating anything smelling of lamb.

Guarding dogs and guarding llamas were mentioned at the hearings. They drive away predators from the flocks they are trained to protect. The U.S. Department of Agriculture is conducting studies with several different breeds of dogs, developed over centuries to protect sheep from wolves in Hungary, Spain, Italy, Greece and other Old World Countries. Numerous testimonials from wool growers in this country show how effective these dogs, who stay with the sheep at all times, can be.

Shed lambing is an important way of protecting very young lambs. The ewes are brought into a shed shortly before giving birth. This is widely but not universally practised. It saves many lambs not only from predators but from accidents, bad weather, and other causes of death in neonates. Wool growers have a tendency to blame all deaths on killing by predators. Better care of the sheep and adequate use of shepherds on the range are basic to avoidance of losses from a variety of causes. Shepherds carry guns and can shoot any predators seen killing sheep on the spot.

Finally, birth control in areas of predator density is a sound but rarely used method. After a short flurry of attention the Fish and Wildlife Service gave up the effort to conduct adequate work on the method. The same has been true of all other methods except poison and steel jaw trapping, the two most painful, non-selective, and destructive ways of attempting to protect livestock from predators.

A second unanswered question concerned capture of wild furbearers in Connecticut and Tennessee where traps must be placed in burrows. I regret I do not have figures on this; however, it is interesting to note that in Massachusetts where steel jaw traps may only be used in drowning sets, not on dry land, the pelt sales of raccoons and foxes, both of which are caught in land sets, went up substantially after the 1975 ban, figures show.

The extreme statements such as Henry Foner's assertion that H.R.1797 would be "the death knell for our industry" have no basis in fact whatsoever. Four witnesses who testified against the bill claimed that non-target species can be released unharmed from steel jaw traps. Rehabilitators of wildlife know that necrosis generally shows up two or three days after release from the traps. It is then that the limb must be amputated if the animal is to be saved. In the only scientific study we know of in which coyotes were trapped, radio collared and released, two of the four were found dead with the trapped paws which had appeared to be uninjured badly mangled or actually gnawed off.

It was asserted that legsnares act like a tourniquet. The [illegible] legsnare is specifically designed to avoid cutting off all circulation to the limb. The Swedish fox legsnare has a different system for avoiding the tourniquet effect. Presumably Woodstream has taken this into account in the legsnare it is marketing in Canada. It certainly is capable of doing so.

Woodstream is spending large sums taking full page ads in all trapping magazines pushing the "soft catch" steel jaw trap. Obviously, the company prefers to continue business as usual, merely attaching some rubber to ordinary traps and offsetting their jaws. These ads make false claims in particular by inferring the the U.S. Department of Agriculture has endorsed the "soft catch" trap and provided funding for its development. USDA has done neither.

Ads for the Victor Power Snare are notably lacking even in Canada where it is being manufactured and distributed to those who find out about it without benefit of advertisement.

As Professor Jan Englund testified, attempts to cover steel traps with plastic failed to reduce leg damage to foxes. It did reduce tooth damage by about half, but the "soft-catch" does not cover the metal parts of the trap except along the inside edges; therefore it will not in any way reduce tooth damage.

The "soft catch" causes extreme pain if one closes it slowly on one's hand (even without snapping the jaws with the impact an animal would feel by stepping on the pan) and then shakes the hand around as an animal would do in trying to escape. I have tried it and recommend that anyone who entertains the idea that this might be a humane substitute do the same. There is no danger involved as the trap can be opened before causing gangrene. What is important is to experience the pain even from a couple of minutes of movement with the trap closed on two fingers.

In contrast, even when the Swedish snare is triggered and shuts sharply on the same two fingers it is mildly unpleasant but not at all painful. This must be the criterion in making a decision. It is, of course, the reason why animals commonly end up with severe injuries in steel jaw traps but rarely do so in cable coated legsnares.

Finally, it is not at all difficult to gnaw off the rubber lining from a "soft-catch" trap. Even human teeth can do so. The trapper can also remove the lining which screws on and off. When removed there are sharp projections where the screws are inserted. The so-called "soft-catch" like all steel jaw traps should not be used.

Sincerely,

Christine Stevens

Christine Stevens,
Secretary

CS/ek

Mr. **Waxman**. Our next panel includes: Susan Russell, vice president, Friends of Animals; Dr. Ned Buyukmichci, Animal Protection Institute; Vivian Pryor, National Wildlife Federation; Dennis C. Stolte, assistant director, national affairs division, American Farm Bureau Federation; and George D. Whitney, D.V.M.

I would like to ask the witnesses to come forward. Again, we want to welcome all of you. We will be keeping time on you, which is unfortunate; but we would like you to summarize your testimony.

STATEMENTS OF SUSAN RUSSELL, VICE PRESIDENT, FRIENDS OF ANIMALS, INC.; GEORGE D. WHITNEY, D.V.M., ORANGE, CT; DENNIS C. STOLTE, ASSISTANT DIRECTOR, NATIONAL AFFAIRS DIVISION, AMERICAN FARM BUREAU FEDERATION; NED BUYUKMIHCI, V.M.D., INSTITUTIONAL VETERINARY MEDICINE ADVISER, ANIMAL PROTECTION INSTITUTE OF AMERICA; AND VIVIAN PRYOR, ON BEHALF OF NATIONAL WILDLIFE FEDERATION

Ms. **Russell**. Gentlemen: I, too, thank you very much for holding hearings on such a vital and long overdue humane issue in the United States.

I will preface my remarks by saying that I don't think I have ever heard the words "tool," "wildlife management," and "consumer" or "science" mutilated to such a degree as I have today. I want to point out that everyone opposing this bill, which is not the mark of a civilized society but of a sane one; we have a lot of catching up to do—has a vested interest in the leghold trap. The interconnections between organizations—for example, we have the National Wildlife Legislative Fund up here, and I believe Mr. Goodrich was talking about how his organization was composed of conservationists. Well, it has got some furriers on its board, too, and I, for one, don't consider furriers conservationists.

The National Wildlife Federation, which will testify here today that trapping is a good wildlife management tool, happens to be comprised in bulk of 8,000 local hunting and trapping clubs. It is again a vested interest. As a matter of fact, the National Wildlife Federation, which raises money on pretty Christmas cards featuring raccoons, pays for a book that Woodstream sends around called "Trapping and Wildlife Management." So I think that it is very clear that 64 nations—or however many it is—are not misinformed, and all the major humane organizations in the United States are not misinformed.

The National Academy of Sciences is not known for being ignorant, and I think we should call to everyone's attention the fact that the National Academy of Sciences and the CDC is being challenged here as a public health expert by none other than a consortium of fur merchants, trap manufacturers, and trappers. When you look at trappers, they are very young. The Yale University survey cited says that 86 percent who reported having trapped reported having done so prior to the age of 20. So when Representative Young, referred to the little people, he was right; physically, they are kids. The bulk of trappers are adolescents.

Friends of Animals does not feel there should be any commercial trapping. Teddy Roosevelt banned commercial hunting a long, long time ago. No matter what method used, it entails a lot of pain and violence for that animal. And the purpose is no greater than vanity, fashion, and a very small fur industry.

So, if I have time, I would like to go into two facets of this issue. I would like to go into the economics of the fur industry as they are, instead of rhetoric and the padded trap question. Unfortunately, the passage of this bill in question is not going to have any great adverse effect on the fur industry as it stands today. Friends of Animals has corresponded with all the nations that have banned the trap, and it has not affected the retail economy in any one of those nations.

Now, it is important to note that the majority of skins from animals trapped by the leghold trap in the United States are sent abroad for manufacture where labor is cheaper. Approximately 24 million target animal pelts are trapped annually for their fur in the United States, and an estimated 84 percent of those skins are exported abroad for manufacture. These figures are verifiable when comparing the number of animals trapped State by State to the U.S. Department of Commerce Bureau of the census export trade statistics.

In sum, the animals trapped by the leghold trap in the United States do not provide hundreds of thousands of jobs, and the export of their skins explains the relative paucity of jobs connected with the manufacture in the U.S. Trappers freely admit this is the case. I cite as a single example a January 12, 1981, Asbury Press article entitled "Most Pelts Trapped Locally End in Europe." "Eighty percent of the pelts sold will be shipped overseas," said Fred Gimbel, president of the Central Jersey Fur Takers Association.

The number of those jobs provided by the fur trade has been grossly exaggerated. According to the Bureau of the Census, U.S. Department of Commerce, there are but 1,300 fur dressers and dyers in the United States. This is also verifiable in the 1977 census of manufacturers. That is the latest they had.

So when the claim "hundreds of thousands" of people comes up, it bears closer examination.

[Testimony resumes on p. 588.]

[Ms. Russell's prepared statement and attachments follow:]

Most pelts trapped locally end in Europe

Asbury Park Press
Mon., Jan 12, 1981

By MARY T. WALSH
Press Staff Writer

Asbury Park Press

At the Central Jersey Fur Takers auction in the Barnegat Township Firehouse, buyers for International Raw Furs, New York, George [illegible] (left) and Fred Pritsche (center) examine pelts offered by Fred Gimbel, Toms River, president of the local auction group.

BARNEGAT TOWNSHIP — Most of the lush fur pelts harvested from wild animals trapped in Monmouth and Ocean counties this season won't be found on Americans' backs.

These pelts most likely are destined for Europe.

More than pelts, including approximately 300 red and grey fox, 600 raccoons, 3,200 muskrats, 300 opossums, 30 mink and 25 skunk were auctioned off yesterday at Barnegat Volunteer Fire Company 1.

The event, sponsored by the Central New Jersey Chapter of the Fur Takers of America, drew about 25 buyers, many from New York and most with thick wads of money in their pockets. The organization is made up mostly of trappers and a few hunters.

Eighty percent of the pelts sold will be shipped overseas, said Fred Gimbel, president of the 200-member chapter.

Gimbel estimated yesterday's sales would tally up to $120,000. That's lower than last January's sales figures, which were unavailable, but still higher than sales at an auction last March which totalled about $80,000.

Why the demand for furs in Europe?

"Europe's wall-to-wall people," explained buyer Ira Newman, who has been in the business 40 years. Europe has virtually no forests to provide natural habitats for fur-bearing animals, Newman explained.

On the other hand, "the United States produces more raw furs than any place in the world," he said.

The auction moves briskly. A box of 20 muskrat pelts are sold in less than 30 seconds.

Calvin E. Hill, a muskrat trapper since the age of 15, handles the auctioneering.

[illegible] To me, it's a [illegible]

Hill, sporting a jaunty red beret and silver [illegible], talks [illegible], urging the bidding higher and higher.

Finally, after four long hours, Hill admits his throat is a bit dry.

"I'm fighting to raise money for the trapper and I'm fighting to make a percentage, too," Hill said. His commission is [illegible] cents on a dollar.

All pelts are skinned, scraped, stretched, dried and left in one piece. Many of the pelts are turned inside out so that the buyer can examine marks of injury and trauma, such as a dog bite, visible on the inside but hidden on the outside by fur.

The insides of the skins glisten with fat and tallow. Greasy gobs of fat stick to some pelts not scraped by an expert hand.

The pelts are graded according to size, color, quality of the hair and preparation of the pelts. Thick winter coats are the most prized.

Some of the pelts come from animals struck by cars. If not too badly damaged, these pelts can still be used for coats. Ruined pelts can be used for fishing lures.

Most buyers, like Newman, of Washingtonville, N.Y., are dealers who sell raw pelts to manufacturers in Europe, Germany, England and France.

A rarer buyer is one like Martin Barach, Brooklyn, who sidesteps all the middle men - the "jobbers," the tanners and the manufacturers - and makes the coats himself and sells them in his own shop on 86th Street.

Barach, with 34 years in the business, says pelts bought at auctions such as this one, cost 20 to 40 percent less than a dealer would charge.

By 4 p.m., Barach has bought $8,000 worth of pelts and expects to spend up to $16,000. Newman spent about $4,000. He says he usually spends much more but he did not find what he was looking for.

Locally, the trapping business reached its peak about two years ago. Prices have dropped since, although many trappers were pleased with prices they received yesterday.

International affairs have a profound effect on the local trapping business. Because of the Italian earthquake, many Italian manufacturers have not been able to leave their country to buy pelts. After the invasion of Afghanistan was met with worldwide outrage, the Russians no longer buy pelts from the United States for their officers' uniforms.

Compared with seven years ago, prices have skyrocketed.

In 1973, a fox pelt sold for $11, a muskrat for $1.50 and a raccoon, $4.

Prices today are $40 for fox, $7 for muskrat, $27.50 for raccoons.

Gimbel received a total of $668.50, or $60.50 each, for a group 11 grey fox pelts.

Ken Bagala, Middlesex County, received $60 for a red fox pelt appraised at $35.

"We thought the prices would have been a lot lower," said a surprised but pleased Bagala.

One of the reasons why fur coats have such astronomical pricetags is the labor that goes into making the garments.

Chester Hurley, Whitings, Manchester Township, had no problem trapping three beavers. The cost to make a vest from the pelts was $300. "I couldn't afford the sleeves," he said.

To make a coat, it takes 50 to 60 mink, 30 raccoons, 40 muskrats or 25 fox skins.

What's in? Raccoon and fox, says Barach. The numbers have quadrupled in the past two years, but recently there has been a slight drop.

What's out? That old classic mink. Barach says sales have dropped 25 percent over the past two months. "People are tired of mink," he shrugged.

Some trappers, like Frank Sturt, a Marlboro Township police officer who finds mink in his home area, trap as a hobby. Sturt says he knows of a priest and an undertaker, both from Marlboro Township, who also trap.

Others, like college students, trap to make some extra spending money. Construction workers, such as Gimbel, trap during winter months when jobs are scarce.

"This is the only thing that gets me through the winter," Gimbel said.

Many trappers are speculating and waiting for March's auction to sell their furs, hoping that prices go up.

Sturt said the number of pelts sold yesterday was only 60 percent of the amount normally put up for sale.

"In March, you're likely to see fur piled up to the rafters," Sturt said.

Many trappers complain they've been criticized unjustly, especially for use of the leghold trap.

"We got a lot of bad publicity from misinformed people," said one trapper who would not give his name.

Sturt said he has released many animals, including cats and dogs, who have become ensnared in the leghold trap. Captured animals "will usually limp for a day or so" and then recover, he said.

The biggest threat to wild animals comes from construction of new homes and businesses, Gimbel said.

"Every time they clear land, animals are losing more and more habitats," Gimbel said.

Trappers waste no part of the animal, Sturt stresses.

Muskrat meat is a delicacy in southern states, described by Gimbel as "sweet, strong tasting meat." Parts not used in coats are ground up for felt.

	ALL RACES		HISPANIC		WHITE, NOT HISPANIC		BLACK, NOT HISPANIC	
	MEN	WOMEN	MEN	WOMEN	MEN	WOMEN	MEN	WOMEN
GUIDES	301	408	9	6	172	319	8	54
USHERS	695	232	46	4	580	185	69	33
PUBLIC TRANSPORTATION ATTENDANTS	431	1,881	56	53	280	1,252	87	260
BAGGAGE PORTERS AND BELLHOPS	545	32	22	0	316	32	207	0
WELFARE SERVICE AIDES	254	2,671	18	139	117	1,366	104	1,132
CHILD CARE WORKERS, EXCEPT PRIVATE HOUSEHOLD	926	10,019	54	624	571	7,048	292	2,270
PERSONAL SERVICE OCCUPATIONS, N.E.C.	1,644	4,896	172	243	1,119	3,530	328	1,048
FARMING, FORESTRY, AND FISHING OCCUPATIONS:								
FARM OPERATORS AND MANAGERS:								
FARMERS, EXCEPT HORTICULTURAL	3,559	963	6	12	3,501	944	42	9
HORTICULTURAL SPECIALTY FARMERS	398	15	0	0	389	15	9	0
MANAGERS, FARMS, EXCEPT HORTICULTURAL	1,065	197	10	6	1,032	191	16	0
MANAGERS, HORTICULTURAL SPECIALTY FARMS	435	23	3	0	420	23	15	0
FARM OCCUPATIONS, EXCEPT MANAGERIAL:								
SUPERVISORS, FARM WORKERS	328	83	25	0	288	83	15	0
FARM WORKERS	3,957	1,187	431	45	3,182	1,070	330	72
MARINE LIFE CULTIVATION WORKERS	0	16	0	0	0	16	0	0
NURSERY WORKERS	686	393	40	6	596	355	48	31
RELATED AGRICULTURAL OCCUPATIONS:								
SUPERVISORS, RELATED AGRICULTURAL OCCUPATIONS	761	38	6	6	729	32	26	0
GROUNDSKEEPERS AND GARDENERS, EXCEPT FARM	10,596	515	489	27	9,080	410	988	68
ANIMAL CARETAKERS, EXCEPT FARM	899	1,384	56	0	742	1,351	101	13
GRADERS AND SORTERS, AGRICULTURAL PRODUCTS	4	57	0	10	4	40	0	7
INSPECTORS, AGRICULTURAL PRODUCTS	6	3	0	0	6	3	0	0
FORESTRY AND LOGGING OCCUPATIONS:								
SUPERVISORS, FORESTRY AND LOGGING WORKERS	9	0	0	0	9	0	0	0
FORESTRY WORKERS, EXCEPT LOGGING	122	17	5	0	111	17	0	0
TIMBER CUTTING AND LOGGING OCCUPATIONS	376	0	34	0	334	0	11	0
FISHERS, HUNTERS, AND TRAPPERS:								
CAPTAINS AND OTHER OFFICERS, FISHING VESSELS	276	15	6	0	251	15	17	0
FISHERS	1,084	51	3	0	1,001	31	40	0
HUNTERS AND TRAPPERS	63	0	6	0	62	0	0	0
PRECISION PRODUCTION, CRAFT, AND REPAIR OCCUPATIONS:								
MECHANICS AND REPAIRERS:								
SUPERVISORS, MECHANICS AND REPAIRERS	8,137	128	234	0	5,579			

friends of animals, inc.

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Executive Committee

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Harrison Mass, *Attorney*

Testimony of Susan Russell, Vice President
Friends of Animals, Inc.
before the
Subcommittee on Health and the Environment
Committee on Energy and Commerce
of the
United States House of Representatives
August 1984

I am Susan Russell, vice president of Friends of Animals. In behalf of the members of Friends of Animals and our affiliate, the Committee for Humane Legislation, I commend the Chairman and Subcommittee members for conducting hearings on this vital humane issue.

Trappers and furriers prey on a public treasure - our wildlife. It is apparent, then, that people should be able to demand a decrease in the destruction of our wildlife and an end to the cruelty in which public animals are killed. Seventy-eight percent of the American public desires a ban on the leghold trap. We are a part of that public, and we are making these demands.

Friends of Animals fully supports HR 1797 introduced by Represenative Clarence Long of Maryland. This measure is an important step in eliminating the steel-jaw leghold trap - in all its versions - as has already been done by scores of nations throughout the world. In the United States, the trap has been banned or severely restricted by several states. On April 27, 1984, Governor Thomas Kean of New Jersey signed into law Friends of Animals' model bill, sponsored by Senator Carmen Orechio and Assemblyman D. Bennett Mazur, to ban the sale, use, possession, manufacture, importation and transportatior of the steel-jaw leghold type animal trap. No exemptions were provided for the spurious arguments you will hear today, such as farming or public health, because those arguments were proved beyond a doubt false to the legislators of New Jersey. Further, an amendment to permit use of Woodstream's rubber-lipped steel-jaw leghold trap was defeated by the New Jersey Legislature, which decided that just as a rose is a rose is a rose, a leghold trap is a leghold trap is a leghold trap.

We do believe, however, that Section 3 of the bill should be amended to the original version, namely, the bill should be strengthened to apply to the shipment in interstate and foreign commerce of all articles of fur, and not solely those pelts derived from leghold traps. The current wording creates a loophole for trafficking in pelts obtained via the leghold trap to continue almost unabated. It is virtually impossible to determine from a wild pelt the means by which the animal was trapped. A ban on the interstate or foreign shipment of articles of fur or pelts "derived from an animal trapped in a steel-jaw leghold trap" would prove nearly impossible to enforce and remarkably easy to circumvent. Indeed, the trafficking of endangered species skins, which are far easier to identify that the means by which an animal was trapped, is flourishing despite moderate enforcement efforts.

Since the intent of this Federal legislation is to provide real impetus for states and nations to legislate bans on the leghold trap, a ban on the shipment of all pelts or articles thereof until such a ban would elicit precisely that reaction.

This bill requires neither an appropriation of tax moneys nor the creation of a new bureaucracy.

REASONS FOR SUPPORT OF HR 1797

The steel-jaw leghold trap, both rubber-lipped or unmodified, is cruel and non-selective, and therefore deserves to be banned. The sole proponents of this trap are those with an axe to grind, those who, either directly or indirectly, make money from or owe jobs to the slaughter of wildlife for profit.

The cruelty of the leghold trap has been acknowledged by scores of countries around the world, and these acknowledgements have resulted in the domestic prohibition of the leghold trap by these countries. When U.S. fur merchants export furs obtained through the use of leghold traps to these countries, we Americans violate the intent and the spirit of foreign anti-cruelty laws. Furthermore, when unsuspecting consumers in foreign countries purchase American furs, they unwittingly become collaborators in these unethical breaches of humane expression.

Permitting continued use of the leghold trap is in direct conflict with the expressed desires of the majority of United States citizens, whose will has consistently been ignored in favor of a relative handful of trappers, furriers, trap manufacturers and wildlife managers.

A Yale School of Environmental Studies survey, funded by USDI,(1979), found that 78 percent of those surveyed disapprove of the leghold trap. A 1983 survey conducted by Doyle Dane Bernbach Inc. reports that "fun and fashion are not acceptable: From two-thirds to three-quarters (of those questioned) disagree on the legitimacy of hunting animals for their skins or pelts or even raising animals for their skins or pelts." Given these facts, passage of HR 1797 can only meet with the wholehearted approval of the American people.

That the public is solidly behind a ban on this torturous device; that so many nations have seen fit to outlaw its brutality, raise serious questions concerning why the United States Government continues to tolerate its use, and why, in the United States of America, the cruelty and non-selectivity of the trap are still subjects of debate rather than decision. The cruel and indiscriminate properties of the leghold trap are inherent and universal. The trap at issue causes no less suffering and waste in the United States than it did in Great Britain, or Switzerland, or the scores of nations that have, many years ago, banned its use. And the trap is no more "needed" to control wildlife populations and disease in the United States than abroad.

While the peoples and governments of many nations have studied the implications of the leghold trap, and the results of these studies have prompted the proscription of this device, the United States has not yet followed this course. The studies and experience of other nations, however, are quite revealing and the United States can benefit from this information as it contemplates HR 1797. This statement will review both the reasons why foreign governments have banned the leghold trap, and the economic, health, agricultural and social concerns that the foreign prohibitions entailed.

Without question, the main reason why foreign governments have enacted prohibitions on the leghold trap is the cruelty that is inherent in the device. The cruelty may be viewed from two perspectives: (1) the pain inflicted on the trapped animals, and (2) attendant cruelties that are integral to leghold trap use.

1. INFLICTED PAIN - The initial cruelty caused by the leghold trap involves the intense physical and psychological trauma precipitated by the snapping of the trap, unmodified or rubber-lipped, upon the limb of an animal.

The functioning of a mammalian nervous system is not a subjective matter. Surveys of contemporary physiology texts demonstrate the functioning of mammalian nervous systems, and reveal that these systems operate in just about the same way for all mammals. Dr. Knut Schmidt-Nielsen, one of the world's most highly respected physiologists, shows the extent of these neurological similarities in the nearly identical structural, functional, impulse transmission capabilities and multiple uses of nervous systems of all mammals -- including man. For example, even regions as complicated and remote as the trigeminal (fifth cranial) nerve perform the same multiple functions (tactile impulse for scalp and face, and motor impulses) for all mammals -- bobcat, muskrat and man included. The glossopharyngeal (fifth cranial) nerve carries sensations of taste and touch to the brain of all mammals -- red fox, beaver and man.

Not only are the structures, functions and uses of specific nerves identical in all mammals, but the intensity of tactile sensitivity can be nearly identical, too. Writing in the Journal of Comparitive Neurology, Drs. P. Zollman and R.K. Winkleman report that the sensitivity of a raccoon's paw, for example, has shown "a very high density of touch receptors." Subsequently, Dr. R.F. Ewer noted that the raccoon's "powers of tactile discrimination proved to be of the same order as our own (human tactile discrimination)."

The scientists agree that the raccoon can feel the pain caused by the snapping of a leghold trap with the same intensity as a human. Furthermore, since a furbearer such as a raccoon is so much smaller than most humans (a large adult raccoon weighs about 20 pounds), and possesses far smaller appendages, a particular trap would effect a larger proportion of its body.

That anyone is forced to produce empiricle evidence to the effect that animals feel pain, in order to counter remarks by furriers' "wildlife biologists" that "trapped animals feel little pain or emotion" is an insult to us all. After all, as Dr. John Kirsch, a mammalogist at Harvard University writes: "Animals that did not feel pain would not live very long ...Given the very similar biological structure and function of all mammals, it would be astonishing if other mammals were not as aware as human beings. Thus, I see no reason to doubt as a scientist that animals are every bit as capable of feeling pain and suffering as are human beings. In my opinion, we would need the strongest possible justification for inflicting pain on them and it is my belief that

During the New Jersey campaign to ban the leghold trap, Dr. Samuel Peacock, neurophysiologist, presented a definitive statement on the pain caused by leghold traps. His statement is submitted here, in its entirety:

Statement of Samuel M. Peacock, Jr., M.D.

Associate Professor of Neurophysiology
Department of Psychology and Human Behavior
Thomas Jefferson University School of Medicine

Assistant Professor of Neurophysiology
Department of Psychiatry
University of Pennsylvania

Former Senior Medical Research Scientist
Neurophysiology
Eastern Pennsylvania Psychiatric Institute

submitted to

The Commerce and Industry Committee
of the New Jersey Assembly
***
The Energy and Environment Committee
of the New Jersey Senate
1983

The scientific evidence that animals feel and perceive pain is really quite overwhelming. Over the last fifty years hundreds of federally funded research grants have been awarded to investigators in comparative neuroanatomy and neurophysiology for the purpose of studying mammalian sensory systems which are essentially identical to those of man.

This evidence can be briefly summarized as follows:

1. All mammals including man have the same anatomical and physiological mechanisms for pain perception. Pain receptors are located all over the body feeding their sensory impulses into the central nervous system via the peripheral nerves to the spinal cord. Here they connect with various afferent pathways and

ascend to the brain stem, thalamus, and cerebral cortex.

2. By stimulating pain receptors and recording the electrical activity of the brain in response to this stimulation, it has been shown that all parts of the body are represented in the cerebral cortex of all mammals. The process of localizing areas of the brain in which the body parts are represented is known as cortical mapping. This has been worked out for a wide variety of species as well as man. All sensory modalities including pain, temperature, vibration, hearing, vision, etc., are so represented in areas of the cerebral cortex.

3. Behavioral studies have utilized pain as a means of conditioning animals in a variety of experimental studies and in learning situations. All of this work is based on the animal's attempt to avoid pain.

4. Studies in stress have been extensive and have demonstrated that all mammals including man respond to stress with identical physiological mechanisms, including changes of heart rate, blood pressure, adrenal secretions, etc.

5. The behavioral manifestations of pain and stress differ widely between species and between individuals within a species. Pain can produce a state of shock in both man and beast or it can produce violent panic and rage. It can also produce a state of helplessness and resignation as shown in conditioned avoidance experiments in which the animal is placed in the situation where it can no longer avoid the painful stimulus.

6. All mammals possess the same sensory mechanisms. Although pain receptors are not as apparent as eyes and ears, their presence is a matter of scientific fact and to propose a difference in function for them in animals as compared to man is to deny the validity of a vast amount of scientific knowledge. No one would say that an animal cannot see or hear.

7. Surely anyone who has ever stepped on a puppy dog's tail knows that that puppy felt pain!

The leghold trap is a primitive, uncivilized method of trapping animals. It inflicts maximal pain for it not only involves the superficial pain receptors of the skin and muscle but also the deep receptors of tendon and bone. Struggling intensifies this stimulation and the animal quickly learns this but the pain remains and produces maximal stress for long peroids of time including at best a state of helplessness or shock not to be confused with sleep except by the most primitive observer.

Where money is involved man has an infinite capacity to rationalize and justify his behavior. It is impossible for me to understand how our civilization and culture can tolerate the use of the leghold trap. I strongly urge the passage of A.3270-S-1575 to ban the manufacture, sale and use of the leghold trap. This is the very least we can do.

On May 23, 1983, a licensed New Jersey wildlife rehabilitator, Virginia Andresen, submitted her statement on the injuries and "trash" animals she has encountered due to leghold trap injuries to Friends of Animals. An excerpt: "The terrible pain does not stop there. I could take anyone to several locations not far from my home where piles of unwanted or "trash" animals were dumped from traps. Sometimes I have found a few animals still alive, but too far gone with injuries . They too had to be destroyed. There are several hundred animals I have treated and released, wondering if a three-legged animal would really make it, but the alternative was to live in a cage. I have seen the pain in the eyes of these raccoons, opossums, foxes and skunks, and the trust they give me with their lives when I am treating them."

That's leghold trapping, the "harvesting of a renewable natural resource," in a nutshell.

A naturalist studying wild animals might even carry this argument, already proved, a step further and say wild animals must have senses that are keener than a human's because wild animals are constantly engaged in a day to day struggle to survive, while human agriculature, society and legal systems have removed a good deal of the physical struggle, and therefore the need for acute physical sensitivity.

In addition to the direct pain inflicted by the leghold trap snapping upon and hold an animal's limb, there is the tremendous psychological trauma which may be even more intense. This trauma may be measured by the extreme efforts trapped animals use to be free of the trap. Documentation of these phenomena are major reasons why many foreign governments have banned the leghold trap.

The Government of Sweden, for example, trapped 645 foxes with leghold traps in a study before that device was legally banned. Of the trapped foxes, 514 were considered "seriously injured." While may fractured legs and paws were counted, documenting the crushing pain caused by the trap itself, there was considerable evidence of the psychological trauma experienced by the trapped animals. For example, more than 200 of the foxes had lost between one and eighteen teeth trying to gnaw their way out of a trap. Many others suffered serious injury to the mucous membranes. These are injuries that the foxes inflicted upon themselves in attempt to free themselves from an intolerable situation.

The New Jersey Division of Fish, Game and Wildlife conducted a study in 1979 called "Job -D - An Evaluation of Raccoon Trapping Systems and New Trapping Techniques." According to the division, the "location and nature of the injuries inflicted by the various trap types (legholds) suggest two rather obvious conclusions: 1) Partial or complete amputations, fractures and bone erosions result when trap jaws close on the leg above the ankle or wrist and 2) These injuries are over three times more common with #2 coil spring traps (64% of all 11 raccoons) than with the #1 1/2 coil spring traps (18% of 11 raccoons)." 22 raccoons were trapped.

While we submit the text of this study in our addendum, a few facts warrant mention here, in regards to the struggle, writhing and tugging of a wild animal whose limb is imprisoned by the steel-jaws or rubber-lipped steel jaws of a leghold trap:

"In the case of raccoon #14 the abrasions above the ankle indicate that the trap slipped over the ankle during the struggle. It took hold at the metatarsal-phalangeal joint."

More: "In the two cases (raccoon #13 and #21) with severe bone injuries (compound fracture with partical amputation), inflicted by a 1 1/2 coil spring trap, the jaws of the trap struck the leg above the ankle."

"Examinations of the lesions suggest the following sequence of events in complete amputations or wring-offs:

a. Trap jaws close above the ankle or wrist.

b. Initial lunges of the animal draw the trap down the leg to the distal head of the longbones past which the trap seldom moves.

c. Circling about the stake and twisting of the animal in the trap results when abrasions and lacerations of the skin at the point of contact with the trap jaws.

d. The sharp edge of the trap jaw erodes a notch into the distal metaphyseal region of the tibia or ulna. Tendons may be severed at this time.

e. The bone is eroded about halfway through before an oblique fracture results. The ends of the longbones may then b comminuted by impact with the ground or chewing by the trapped animal.

f. The animal is now held in the trap by tendons and strips of skin attached to the foot. All blood vessels, nerves and bones are severed.

g. The foot, now lacking sensation, is chewed until the tendons are cut, allowing the raccoon to pull free.

Presumably, the longer an animal is left in the trap the greater the damage it can inflict upon itself in its struggles and the greater the liklihood of a wring-off."

The division which conducted this study stated several times in the press that the "leghold trap holds, but seldom harms , the animal," and said that perceptions that the trap was cruel were "unfortunate, and "simply not true. If it were a crushing, cruel device," said Russell Cookingham, director of the division, "then we would have a problem with its use. It does not crush an animal, it just holds it."

Hardly.

The Canadian Wildlife Service has also observed that the trauma of being subjected to a leghold trap is so severe that it will lead many animals to inflict serious injury upon themselves in an effort to escape. One Canadian report notes: "The stomachs of (leghold trapped) Arctic foxes ... often contain parts of their own bodies. They may swallow fragments of their teeth broken off in biting the trap and sometimes part of a mangled foot; almost every stomach contains some fox fur, and a considerable number contains pieces of skin, claws or bits of bone."

In the United States, Rexford D. Lord, Jr., studying gray fox populations for a dissertation presented to the Division of Vertebrate Ecology at Johns Hopkins University's School of Hygiene and Public Health, reported that scientific studies of trapping in South Carolina, Georgia and Florida have revealed substantial "wirng-off" -- that is, the loss of limb in a trap -- a phenomena that must be considered as extremely cruel and painful.

Lord's studies involved the use of Victor Number 2 coil spring leghold traps, a type presently in common use around the United States, and highly "recommended" by state fish and game agencies. The traps were set out to determine the population densities and age ratios of gray foxes in the study region, and the taking of fox pelts was not contemplated. Indeed, it was the scientist's intention to capture foxes unharmed so he could return them to the wild after the study. But the use of leghold traps frustrated this intention. Lord reported: "Attempts to prevent injury by steel traps were made by wrapping the jaws in various ways; all proved unsatisfactory."

In addition to the damage caused by the snapping of the trap's steel-jaws, even those wrapped with padding, the scientist also found other trauma "due to escape efforts."

Many countries have banned the leghold trap because of the multiple traumas of the trap snapping and attempts to escape. The Irish Government, for example, banned leghold traps, "mainly because of the cruelty aspect involved. The traps caught animals by the legs and did not immediately kill them. The animals, therefore, suffered for a prolonged period before dying. Sometimes an animal in its effort to escape would lose a leg before escaping."

We know this is true in the United States, yet due to "commercial" interests, the same trap -brutality - remains legal.

The incidence of "wring-off" may be quite high and appears most frequently in several furbearing species. Reporting in the Journal of Wildlife Management, Thomas Z. Atkeson records the "Incidence of Crippling Loss in Steel Trapping" from studies made in the Wheeler National Wildlife Refuge. "In skill and experience they (trappers on the wildlife refuge) varied from comparative amateurs to semi-professionals." Atkeson wrote. "The most common trap used was the long-spring, size 1 1/2, although sizes varied from No. 1 to No. 3."

"For the purposes of this study," he wrote, "all animals were considered crippled that pulled out of traps, escaped by wringing off or gnawing off feet, or escaped with traps (still on their feet). Tracks, hair and other signs usually made it possible to determine the species of animal that escaped."

The results of the study are as follows:

SPECIES	# TRAPPED	# CRIPPLING LOSS	% CRIPPLING LOSS
Mink	209	79	27.6%
Raccoon	429	137	24.0%
Opossum	962	19	1.9%
Skunk	90	2	2.1%
Fox	196	69	26.0%

"Since the above study covered a four-year period, involving individuals with varied degrees of trapping skill, various trap sizes and types, and varying weather conditions, the percentages given should be fairly indicative."

The above facts about trapping were reinforced by the trapper training instructors who administer New Jersey's "Trapper Training" program. Both this writer and Elizabeth McMahon of the New Jersey Congress for Animals took the trapper training course on November 5th and 7th, 1982. Discussions of trapping techniques evolved around getting the pelt, thus how to trap the animal so it has no chance of escaping. Raccoons were cited as a particular problem because they "fight" the trap, and do damage to themselves and, "more importantly," the pelt. When a student asked about cases of raccoons chewing off their paws in an effort to escape ("wring-off"), Mr. Byrne, biologist, replied:

> The raccoon is fighting against the trap, not pain. The leg is numb, and it is really gnawing on the trap and catching its fingers. A trapper with no foot damage (to the raccoon) is a skilled trapper. If you stay with trapping for a while, you'll have that skill.

Aside from the appallingly ignorant statement that the animal does not feel pain, Byrne unwittingly indicted trapping as a whole, since 86 percent of trappers are under 20 years of age, with a preponderance of adolescents who do not "stay with trapping" very long. This second point is bolstered by the New Jersey Division of Fish, Game and Wildlife's assertion that the trapper drop-out rate is "highest among the young."

Again, Byrne warned that "because 'coons fight the trap, stake them in close" or use a drag, a piece of wood "at least 2 pounds - no more than 4 or 5 feet long attached to the leghold by a chain." While we were told this prevents "pelt loss," we were later advised by the vice president of the Central Jersey Furtakers Association, a volunteer instructor, that one needs a good deal of brush in the area to use a drag, otherwise, "the animal will go with the trap and drag and you'll never find it (the animal)." He said that on a few occasions, "it took a long time to find the thing (fox), which was only 50 feet away from where I put the trap."

The vice president of the Central Jersey Furtakers Association was a self-described "expert" trapper. One can imagine what goes on during trapping seasons when most of the trappers are amateurs out for some easy money.

Yet another reference to the struggle of a trapped raccoon: Students were advised to use an extra long stake in sandy soil, or the animal will pull out and travel with the leghold and stake. While the young prospective trappers chuckled at this possiblity, the wildlife control officer said: "'Coons have a way of pulling outa there like it was nothing."

In addition to these traumas caused by the leghold trap, some respected professionals consider the animals also go through substantial mental anquish. Sweden's wildlife chief, for example, has said: "Other arguments can be stated against leghold traps with regard to animal protection. Thus an animal captured in a leghold trap might be caused considerable mental suffering."

Sweden, incidentally, has a healthy fur commerce, despite its prohibition of the leghold trap. Indeed, most of the furs imported by U.S. merchants come from countries where leghold traps are banned. And most of the furs exported by U.S. merchants go to countries which have banned the leghold trap.

2. ATTENDENT CRUELTIES - The pain a leghold trap imposes upon the trapped animal is only part of the device's cruelty. There are also attendant cruelties that are intrinsic to the functioning and common use of the leghold trap. Included in these attendant cruelties is the state of the trapped animal between the time it is caught and the time the trapper comes to check his trap. Some political jurisdictions have legal requirements, impossible to enforce, concerning the amount of time an animal might be kept in a leghold trap, but even under the most stringent circumstances, an animal can still be kept in a leghold trap for a period up to 24 hours. Many other jurisdictions, however, do not exercise this control and leave the establishment of a time-limit for checking traps to the convenience of the trapper.

These attendent cruelties include:

A. Exposure - A trapped animal is forced to endure exposure from the time it is trapped until either the trapper arrives or it dies in the trap. Since most legal trapping is presently done during the winter months, trapped animals are often forced to endure the most severe elements without the prospect of being afforded proper shelter. An animal in a leghold trap is shackled and tethered. It cannot run to its burrow or shelter, even if the most severe of winter blizzards strikes. Indeed, severely inclement weather is more likely to discourage the trapper from checking traps, thereby making this cruelty even worse.

On March 8, 1984, Friends of Animals received a report from the Wildlife Rescue Service concerning a leghold-trapped raccoon. The disposition on the animal read:

> Picked up partially frozen male raccoon, partial amputation of right foreleg. Animal had pneumonia, was emaciated. Was humanely euthanized.

The animal was trapped in a residential area, on private property, unbeknownst to the property-owner.

B. Predation - Because the leghold trap restrains an animal by holding it by a limb, the trapped animal can neither flee nor properly defend itself when attacked by a predator. This situation is compounded when one considers the trauma of being trapped places an exhausting strain on the animal, sapping its energy and further making it defenseless before a predator.

A photograph of such an occurrence is featured on page 44 of the trappers' and furriers' magazine, "Fur, Fish and Game." The photograph, accompanying an ad for "Dan Bishop's School of Fox and Coyote Trapping," features a "Colorado Cougar after a Coyote Catch." Actually, trapper magazines and ads feature the most damning photographs and prose of trapping in general, unwittingly, of course. Photographs of animals in agony, defenseless against the trapper's club, abound in this sort of literature, which is replete with descriptions such as "Dan Bishop with a nice double." The "nice-double" was a "catch" of two foxes.

The cruelty inflicted by the leghold trap when used in land sets has been established. The cruelty inflicted by commercial leghold trapping in underwater, or "drowning" sets used for aquatic mammals is equally as disturbing.

In a study called "Terminal Dives in Mink, Muskrat and Beaver," Frederick F. Gilbert and Norman Gofton of the University of Guelph (1980) monitored the EEG, EKG and overt behavior of mink, muskrat and beaver caught in leghold traps in aquatic tanks.

"Response was quite similar in all animals. An initial struggle period lasted 2-5 minutes post submersion after which periods of quiescence and struggle alternated with the intensity of struggle decreasing until finally only weak swimming motions occurred. The intensity of the initial struggle was correlated to the amount of damage sustained by the trapped appendage. A gasping (gaping) response was seen in a number of animals pulled from the water.

"The average time to loss of EEG was about 9 min 30 sec and to loss of EKG about 16 min(Table 5)."

In addition to drowning, the animals must endure, by degree of injury, broken claws, subcutaneous hemorrhaging, focal skin lacerations, multiple abrasions and lacerations, transverse fracture of the humerous, damage to teeth, displaced hips.

C. Thirst - Most states have animal welfare laws that prohibit depriving a captive animal of water. The federal Animal Welfare Act considers providing water to captive animals as one of the basic tenets of humane care. The International Air Transport Association's Live Animal Rules require water be provided to animals in transit. The law, and basic morality, demand this essential provision be made in just about every circumstance -- except trapping. While it may seem absurd to bring up the word "humane" in reference to an activity that presents a heinous offense to any true definition of the word, the fact remains that in addition to all the other agony, a trapped animal can easily become dehydrated. Trapped animals have a greater need for water than most other animals. This is because a) the metabolism of a trapped animal frequently makes a dramatic rate increase, thereby demanding greater amounts of water, and b) the shock of being trapped often induces extensive urination by the animal. If the term of captivity in the trap is long, the animal can ill-afford to lose precious body fluids as those lost cannot be replaced during the period of captivity.

D. Hunger - Animals shackled by a leghold trap are left without access to food for the term of their captivity. In many cases, this is an extreme cruelty that, under cited animal welfare legislation, would never be tolerated for other captive animals. Indeed, the term "emaciated" is near-synonymous with reports dealing with trapped animals - those found by persons other than trappers. But again, this countenance of brutality for the fur trade continues in a nation that considers itself one of the most civilized and humane in the world.

The need for food is often increased for trapped aniamls because a) small mammals, particularly furbearing carnivores, have extraordinarily high metabolic rates and need proportionately more food more often than larger mammals. Mink, for example, require more than triple the amount of food per unit of body weight than a human, b) the trauma of being trapped often induces an increase in the animal's metabolic rate as it produces adrenalin and other hormonal substances to deal with the emergency, thus requiring more food to sustain the increased metabolic rate, c) mammals, being homothermic, must maintain high body temperatures. During trapping season, which normally coincides with winter, metabolisms of wild animals often must do extra work in generating heat to keep a constant body temperature that is substantially higher than the surrounding environmental temperature.

NON-SELECTIVITY - The leghold trap is non-selective. It is indiscriminate in the agony it inflicts. It snaps and holds anything that touches its trigger pan.

Because the leghold trap is left untended, there is no certain means of preventing non-targeted animals from suffering the same cruelties as the targeted animals, and the target of this legislation is to eliminate the suffering of both groups. Indeed, the leghold trap is notorious for capturing and inflicting serious trauma on a great variety of non-target animals, including endangered species, such as the bald eagle, domestic pets --even children and teenagers. Or people who frantically try to free their pets from the steel-jaws. In sum, the carnage for the fur trade is not particular. The leghold trap, the tool of the fur trade, is a danger to all, it seems, except the profiteers.

A leghold trap is incapable of exercising judgement. The majority of trappers are not experts, but amateurs. The trapper drop-out rate is high, especially among the young.

Non-selectivity is among the major reasons why many foreign countries and states have banned use of leghold traps.

Domestically, proof of the non-selectivity abounds. A report of the U.S. Fish and Wildlife Service's Denver Wildlife Research Center studied trapping in the government's coyote control program at ten-year intervals over a thirty-year period. During this term, government trappers, using leghold traps, captured 1,199 animals, of which only 138 were coyotes. Other species caught included golden eagles, antelope, various wild mammals and birds and domesticated livestock, including 30 sheep that the coyote program is supposed to protect.

If the government's professional trappers can develop only an 11.3 percent success rate in taking the target species in a coyote control program, what can be the success rate of the "average" U.S. trapper, who, from most indications, is an amateur who traps only as a supplemental source of income?

The U.S. Fish and Wildlife Service has listed trapping as a reason for the decline and endangerment of many native species of wildlife, including various subspecies of wold (*Canis lupis*) including the Northern Rocky Mountain wolf (*Canis lupus irremotus*), the Eastern timber wolf (*Canis lupus lycaon*) Mexican wolf (*Canis lupus baileyi*) and red wolf (*Canis rufus*), as well as the San Joaquin kit fox (*Vulpes macrotis mutica*), Grizzley bear (*Ursus arctos horribilis*), Florida panther (*Felis concolor coryi*) and Eastern Cougar (*Felis Concolor cougar*).

Use of leghold traps poses a grievous threat to our most treasured and endangered species. Patrick Redig, DVM, PhD, of the University of Minnesota Raptor Research and Rehabilitation Program, documented in his report, "Significance of Trap-Induced Injuries to Bald Eagles," that within an eight year period (1972 - 1980), 21 percent of all eagle admissions were caught in steel jaw traps. Sixty-four percent of trapped eagles sustained eventual fatal injuries from the traps.

A salient fact is that leghold traps in general, not just baited traps, pose this threat to raptors, since legholds are often set in areas where eagles, for example, feed.

Further evidence of the leghold trap's non-selectivity is found in certain government policies. At the Brigantine National Wildlife Refuge, on the Atlantic Coast of New Jersey, there is a ban on the use of leghold traps. Efforts by the U.S. Fish and Wildlife Service and the state Division of Fish, Game and Wildlife to open the refuges to leghold trapping last year were shelved due to public opposition.

Brigantine is a resting spot for many migrating birds including Canada and snow geese, various ducks, including the black duck, and other waterfowl. In contracting for the taking of furbearers which also occur on the refuge, the U.S. Fish and Wildlife Service specifically bans the use of leghold traps, an implicit admission of the trap's non-selectivity.

Leonard Soucy, founder of the Raptor Trust in New Jersey, holds both state and federal permits to rehabilitate injured birds. In a June 2, 1983 letter to Friends of Animals, Mr. Soucy submitted the following list of raptors - documented cases - caught and maimed by leghold traps:

1977: 1 Great-horned Owl
2 Red-Shouldered Hawks

1978 1 Red-tailed Hawk
1 Barred Owl

1979: 1 Red-shouldered Hawk
1 Red-tailed Hawk

1981: 1 Red-tailed Hawk
1982: 1 Great-horned Owl

1983: 1 Great-horned Owl
1 Hatchling Cooper's Hawk Endangered Species

According to Mr. Soucy, "two of the raptor species, the Barred Owl and the Red-shouldered Hawk are listed as Threatened by the N.J. State Division of Fish, Game and Wildlife. During this same time period I have also received twenty other raptors with serious leg injuries that I suspect were caused by leghold traps, although I lack positive proof." The New York Times articles on this and other incidents of raptors being caught by leghold traps are attached.

On November 30, 1983, Suzanne Hitchcock Young wrote the New Jersey Audubon Society: "As a wildlife rehabilitator for 18 years I can personally attest to the severe injuries and crippling effects of leghold traps on birds and other native wildlife." A partial list of her documented cases included:

Turkey Vulture (left foot nearly severed) Pemberton Twp. Burlington County, 1983.

Screech Owl, Red-Phased (severe compound fractures of both legs; bones splintered and protruding), Monroe Township, Middlesex County, 1976.

Great Blue Heron (damage to right foot and leg, had been sitting on ankles for several days), Willingboro, Atlantic County, 1976.

Canada Goose (right foot missing; other foot twisted and torn 1/4 through) Oradell, Bergen County, 1976.

Large Hawk, species unidentified (released from leghold trap - flew off with fractured leg), East Brunswick, Middlesex County.

Red-shouldered Hawk (left leg nearly severed at mid-tarso metatarsus), Linwood, Atlantic County, 1976.

Barn Owl (left leg open to bone on both sides of tarso-metatarsus), Absecon Shores, Atlantic County, 1976.

The evidence is documented on a broad basis, across the United States. Vested interests in leghold traps, such as state fish and game managers, trap manufacturers and furriers will claim that "trapper education" is the answer. "Trapper education" is nothing more than a political cushion for the trapping world. The problem is the trap itself. There is no real enforcement of trapping laws, for trapping is an unenforceable, surreptitious activity. We will deal with "enforcement" of state laws and regulations later.

Surveys outside the United States also show the leghold trap is non-selective and frequently traps more non-target animals than desired species. A five year study by the Ontario Department of Lands and Forests on two professionally tended trap lines using only leghold traps, showed only 561 "desired furbearers" (not species specific) taken from a total of 1,911 birds and mammals captured.

While there is plenty of evidence of the harm caused by the leghold trap, the experience of countries that have banned the instrument report no ill effects with converse studies. Friends of Animals, in contacting wildlife authorities in every country on earth, asked if the individual country had banned the leghold trap, and if so, if they had experienced any adverse effects on their ecosystems. All respondents said the ban either caused no noticeable effect, or caused a beneficial effect.

Primary opposition to efforts to ban leghold traps in the United States emanates from state and federal bureaucracies vested with the public trust of protecting public lands and wildlife. These agencies, however, act to protect the interests of commercial exploitation of wildlife, and as in-house lobbyists for trappers and the fur trade.

The opposition is understandable because of a curious relationship which is not found in most other countries. The U.S. Pittman-Robertson Act mandates that state fish and game bureaucracies cannot be salaried by federal funds, but must be paid out of funds collected from such sources as the sale of hunting and trapping licenses. In this way, if a fish and game commission is inclined to expand its size and activities, as all bureaucracies are, it must consider increasing the sale of wildlife exploitation licenses. Conversely, a drop in the sales of such licenses equates to a drop in the bureaucracy's budget resources and a chip at the bureaucracy's raison d'etre, that is, managing the slaughter of wildlife, and justifying - lobbying - for same. Consequently, such commissions are dependent upon exploitation and have become apologists and champions for exploitation to protect their own budgets and reason for being employed.

On the federal level, the U.S. Department of the Interior is the country's biggest individual trapper, and the biggest individual user of leghold traps, vociferously defending the leghold trap as an "indispensable tool," particularly in its coyote control programs. The question emerges: Indispensable tool for what?

It has long been proved that "coyote control" programs using leghold traps kill and maim far more non-target species, including sheep and other livestock the program is supposed to protect, than coyotes. It has long been proved that intensive trapping of coyotes does not "limit out" the species at all, but causes the increased litter size effect. Perhaps the use of leghold traps, predator control, is an "indispensable tool" for bureaucratic jobs - not "wildlife management."

It is evident that although Interior is quite vocal in its defense of the trap, much of its argument is mere posturing and it is well aware of both the ecological upset caused by the trap, and the general public outrage because of the trap's cruelty and non-selectivity. As a single example, the previously-mentioned U.S. Fish and Wildlife Service's attempt to expand leghold trapping in New Jersey's Brigantine Refuge. Members of the Atlantic Audubon Society conducted a poll at the entrance to Brigantine Refuge. The results: Total count included 20 persons in favor of expanded hunting and trapping - 573 were opposed. Total number for hunting and trapping in the refuges: 21. Total number against (this includes letters): 690. The Service "postponed" its plans.

Interior maintains its high-profile defense of leghold traps because it still uses the device itself, and it is responding to the demands of exploitation interests which have traditionally supported Interior's programs and been supported by same. In fact, Interior buys all its offset jaw leghold traps from the Woodstream Corporation, our nation's largest manufacturer of steel-jaw traps.

The U.S. Fish and Wildlife Service will most likely tout a "padded" offset leghold as the ideal alternative to an outright ban on leghold traps. According to studies conducted by S.B. Linhart, G.J. Dasch and F.J. Turkowski presented at the Worldwide Furbearer Conference, Frostburg, Maryland (1980), the established "acceptable damage" rate for coyotes caught in #3N longspring Victor leghold traps with offset jaws was 14.3%. "Acceptable damage" was defined as "no damage or slight cut." This left and leaves "other damage" categories in the 96 percentile. General description of "other damage" was "moderate or severe cut" or "broken bones." Broad statements to the effect of no visible damage must be challenged. According to K.R. Morris, who conducted an undergraduate research paper, Northern Michigan University, 1979, on the movements, behavior, food habits and weight variations of coyotes in Upper Michigan, upon external examination, trapped limbs often seem to sustain only minor injuries. Yet on further examination, X-Rays for example, many of these apparently uninjured or minimally-injured limbs prove to have broken bones or badly torn muscles and tendons (FPCHT).

The offset trap elicits the very same tugging, panic, trauma writhing which induces the inflicted injuries suffered by animals imprisoned by the jaws of any leghold trap.

As for the hard rubber "padding" aspect, the sophistry used to advertise the "humaneness" of this trap will be treated in a separate section.

In suburban areas, where trapping pressure has increased because of an increase in the prices paid for furskins, there has been a dramatic increase in the numbers of domestic pets falling prey to leghold traps. This increase can be seen in a broad spectrum of reports -- from media accounts of injured pet animals to reports by various humane and animal control officers responsible for policing pet animals in various jurisdictions. Curiously, the only sources which do not show these astonishing numbers are fish and game agencies' "non-target" studies. These studies vary with newspaper accounts and the data of the above-mentioned control officers et al, and show barely any "non-target" capture at all. In fish and game studies, "free-ranging dogs" that are caught in the devices are invariably "released unharmed." Usually, the only other wildlife to be inadvertently caught are "vermin," such as Norway rats or field mice.

It is important to recall that in most states it is legal to trap on private property that is not legally posted, and that a landowner's efforts to legally post land are often frustrated by vandals. Because of this situation, landowners can find their own pets being caught in leghold traps set on their own property. A case in point is a letter to the editor, published by the Star-Ledger, one New Jersey's largest newspapers. Mrs. Elane Nodleman wrote of her cat being caught in a leghold trap. Her pet required one week of hospitalization, antibiotics, warm saline soaks and the possibility of amputation was considered. A direct quote: "This trap was found on my property. I live in a residential area - a child could have been the victim of this trap. I truly resented having this trap on my property."

Moreover, citizens enjoying the outdoors, which belongs everyone, not solely trappers, are accosted by trappers and accused of "stealing" their traps. Another letter, from Leo

F. Koncher, to the Star-Ledger, stated: "Occasionally I take my canoe and paddle through the marshes in back of Gunnel Oval in Kearny (NJ). It is a beautiful area of many lakes and canals, teeming with wildlife.

"Recently I was stopped by two men in another canoe and was accused of stealing their traps. When I denied it and they saw no traps in my boat, they said I must have thrown them in the water.

"I do hope whoever took the traps did just that. If I ever meet him I will thank him.

"My canoe is marked 'Born Free.'

"I heard one of the trapped creatures crying out but did not know what was wrong. Now I know."

In March, 1983, Elizabeth McMahon of NJCA (New Jersey Congress for Animals) telephoned 39 veterinarians and found 33 cases of injured pet animals and one raccoon. The veterinarians contacted represent but a small fraction of the 800 in the state.

The tragedy extends beyond pets and wildlife and has also affected human beings. On November 16, 1982, the dog of Mrs. Gilda Hoffman of Neshanic Station, New Jersey, was caught by a leghold trap while on a walk, accompanied by Mrs. Hoffman. In trying to free the panicked animal, Mrs. Hoffman broke her thumb. The trapper, incidentally, was subsequently fined for trespassing, and had been forwarned by the farmer who owned the land not to trap on the premises.

Reporting in the Journal of the American Medical Association, Dr. John F. Beary described one such incident: "Pediatric textbooks routinely comment that accidents are the leading cause of death and morbidity in children and that most are preventable. I wish to report an unusual hazard that may become more common as our increasing population moves into previously sparsely settled areas. I recently treated a 4-year-old right-handed girl who was caught by her right hand in a steel jaw trap that had been set by an unknown person in a small woods behind her home. The episode resulted in crushed fractures and tendon disruption involving three fingers of her right hand and required reconstructive surgery. The prognosis for a complete recovery of fine motor skills is doubtful. As with many other preventable health problems, this matter is best solved by changing public policy."

It is a matter of record that human beings fall prey to leghold traps. In New Jersey alone, several municipalities - 15 - have prohibited the leghold trap in the interests of public safety. Some, as in the case of Colts Neck, were prompted to ban the device's use when leghold traps were spotted - by children - in areas frequented by children and pets. The New Jersey Division of Fish, Game and Wildlife, which attended town meetings to oppose the measure, said this occurrence was "not a sufficient nexus" for banning the leghold trap.

The fur industry should refrain from its spurious "public health" propaganda, such as creating a relationship between rabies and trapping that simply isn't there, in light of the very real carnage suffered by wildlife, pets and even people for the sole purpose of enlarging its coffers. There is, however, no remorse in those quarters.

4. HEALTH - Public health is one of the excuses often cited for continued use of the leghold trap. Apologists for the trap lists a series of wildlife-borne diseases, adding that if the wildlife population - with lucrative skins - is not "controlled," it will overpopulate and spread infectious diseases through the human community.

Most wildlife diseases, such as distemper and mange, do not affect the human community. Trappers have even raised the spectre of tularemia, a muskrat-related disease, afflicting human populations, even though this occurrence is virtually impossible. Of the diseases found in wildlife, the fur trade has siezed rabies as its ticket to defeating leghold trap bills, until recently, when their attempts have been exposed by the press and thwarted. Trapping brochures sent to legislators, for example, feature photographs of "rabid" animals, with captions that read: "Rabies is one of the most dread diseases of man."

Falsehoods about the relationship of trapping to rabies are the stock and trade of state wildlife managers and the fur trade in fighting legislation banning leghold traps. When states, for example, are considering a ban on the devices, invariably and like clock-work a fish and game official will be featured in a news article, warning of uncontrolled rabies if the trap were banned. This occurred in New Jersey, Connecticut, Ohio and Oregon, to name but a few.

Wildlife rabies is one of the rarest diseases in the catalogue of thousands of potentially lethal ailments. Wildlife rabies affecting the health of human society in the United States is almost nil. Pet vaccination programs are the proved barrier between any cyclical wildlife outbreak, which left to its own devices exhausts itself, and transmission to humans.

That trapping of any kind in no way limits or reduces the spread of rabies among wildlife, and its transmission to humans, has been documented by our nation's foremost scientific authorities to the point of absurdity. Yet at times of legislative consideration, the Centers for Disease Control and the National Academy of Sciences, to name but two of the agencies that have firmly refuted the furrier myth concerning trapping as a "public service" and "tool" to control rabies, find themselves challenged as public health experts by none other than a consortium of fur merchants, trap manufacturers and state fish and game managers paid by trapping license fees, all of whom proclaim an avid interest in and knowledge of public health situations. To our knowledge, the American Fur Industry is not consulted for its opinion regarding the elimination of Swine flu, AIDS or Legionnaire's disease.

The Centers for Disease Control also finds itself, via a Woodstream publication, quoted out of context and as espousing the direct opposite of its findings and clearly defined policies addressing trapping as a means of reducing the incidence of rabies. Woodstream, in its pamphlet "Trapping in Wildlife Management," uses a quote from William Winkler, DVM, Chief, Enteric and Neurotrophic Viral Diseases Branch, to the effect that the Centers endorse and support widescale trapping as a vital tool to control rabies. In a July 30, 1981 letter to Dr. Frank Kingsbury, Extention Veterinarian of the Cooperative Extention Service, Cook College, Rutgers University, Dr. Winkler disowns and disclaims the statement Woodstream attributed - and still does - to the Centers:

> The Woodstream booklet entitled "Trapping in Wildlife Management" has caused us some difficulty. As you might surmise, Woodstream as a major manufacturer of traps in the United States has a vested interest in trapping. They have visited with us and have quoted us not perhaps inaccurately, but I think out of context.

Use of the Woodstream "CDC" statement has backfired. The "CDC" statment was presented to the New Jersey Public Health Association Board Members at the association's September 14, 1983 meeting by Douglas Roscoe, pathologist for the Division of Fish, Game and Wildlife who had requested the group's opposition to New Jersey's bill - now law - banning leghold traps. Based on this misinformation, the Association issued a letter in opposition to the bill.

Once presented with the published policies of the CDC and the National Academy of Sciences, along with the well-advanced theory that trapping may actually increase the incidence of rabies, the Association issued a letter withdrawing its opposition, and, following the CDC and National Academy of Sciences, emphasized a pet immunization program as the most effective means of creating a barrier against the disease.

A memorandum from Walter Trommelen, president of the Association, to his colleagues read, in part: "Also, as you know, we had a guest presentation from Dr. Douglas Roscoe, representing NJDEP, Division of Fish and Game, which I feel in retrospect was not the neutral, unbiased representative I thought he was when he requested to meet with our Executive Board in September." Both letters are attached.

In 1973, the National Academy of Sciences published "Control of Rabies," by the Subcommittee on Rabies, Committee on Animal Health, Agricultural Board and National Research Council. Dr. Winkler of the CDC helped write it. Number 10 of "Recommendations" reads:

> Persistent trapping or poisoning campaigns as a means to rabies control should be abolished. There is no evidence that these costly and politically attractive programs reduce either wildlife reservoirs or rabies incidence. The money can be better spent on research, vaccination, compensation to stockmen for losses, education or warning systems.

Indeed, when interviewed by Star-Ledger columnist Lois Stevenson at the November, 1983 rabies seminar sponsored by the New Jersey Veterinary Medical Association and the Metropolitan New Jersey Veterinary Medical Association, Dr. Winkler reiterated the CDC's trapping/rabies policy:

> "Asked about the CDC's policy on trapping for rabies control, Winkler declared: 'We do not recommend or advocate routine trapping programs as effective for rabies control. I agree entirely with the recommendations of the 1973 report of the National Academy of Sciences. I participated in that study and helped write it.'"

And again, in a December 6, 1978 letter to Dr. Frank Kingsbury, Dr. Winkler stated:

> The present policy of the CDC and most public health agencies regarding population reduction is that population reduction is of very limited value. The generalized low intensity control programs that were employed in the past did not prove effective. The only time we recommend population reduction now is in instances where dense populations or rabid animals are in close contact with human populations specifically as in campgrounds or parks.

Point: We do believe that survival from rabies infection occurs with unknown frequency and that the natural immunity described by Dr. Tierkel reflects immunity following infection. This is supported by the demonstrated increase in antibody prevalence in a population following an epizootic of rabies in that population. As such the reduction of animal numbers through trapping or similar programs might indeed eliminate immune animals and create a vacuum for ingress and increased mortality of susceptibles.

The fur industry's feeble response to these facts: The condemnation of trapping as a means to prevent rabies control "does not apply to 'sport' trapping." They are right, it applies to virtually every kind of trapping.

When writing elsewhere about fox rabies, Dr. Winkler states:

> These programs (population reduction), directed at controlling the reservoir species, have been nonselective in differentiating infected from noninfected animals and target from nontarget species. Trapping, poisoning, den gassing, bounty payment and hunting have been employed in population reduction (Trainer, 1967; Davis and Wood, 1959; Lewis, 1968; Parks, 1968; Marx and Swink, 1963; Schnurrenberger and Russell, 1961; Richards, 1965; Wandeler et al, 1974a). Most of these have been ineffective, since it has proven impractical and virtually impossible to reduce the standing population of foxes or of other reservoir species below that not easily replaced in the next reproductive cycle. ("Fox Rabies," Chapter 1).

Dr. Winkler goes on to note that population control is of "some value" when "abnormally high populations are found in areas where humane beings may come in close contact with animals, such as campgrounds, parks, or suburban areas. In these situations it is desirable to reduce the population as rapidly as possible to "break the back" of an incipient epidemic. This provides only temporary relief and no assurance that an outbreak of equally great magnitude will not occur the following year."

In the 1983 edition of Fromm Laboratories' "Report on Rabies," states, on page 24:

> It was advocated that trapping by a state trapping force was effective, and local trapping efforts had limited success. Bounties were generally considered to be ineffective. Trapping is no longer advocated as a rabies-control technique in New York State, and its use in many other states is limited, although it may be useful around selected areas such as campgrounds. Trapping to control rabies is

> considered to be an exercise is futility in the face of a rabies outbreak, because the disease itself will limit the population, and clinically rabid animals are rarely caught in traps.

> Alternate methods of rabies control have been attempted in efforts to overcome shortcomings of population reduction. Mathematical modeling of vector populations, based on species interaction, vector species life history, and rabies transmission mechanisms, suggest that less drastic methods of population control may be more effective than population reduction.

The alternative is field immunization for wild animals, already proving a high success ratio in Switzerland.

Bolstering Dr. Winkler's theory that trapping may in fact increase the incidence of rabies by creating a void, filled by immature, non-immune individuals, is John Kirsch, Ph.D., Associate Curator of Mammalogy, Museum of Comparative Zoology, Harvard University. In a statement to Friends of Animals, 1983, Dr. Kirsch wrote:

> Characteristics of population growth also affect the transmission of diseases. If by trapping we reduce populations to the size where they will grow quickly, then a lot of immature and presumably susceptible animals will enter the population each year. This would increase the likelihood of transmission by youngsters that have not had the chance to become immune. Extensive trapping may therefore aggravate rather than alleviate the spread of disease.

In sum, commercial fur trapping is, in addition to causing great agony and waste, an irresponsible action that most likely increases the spread of epizooties such as rabies.

Dr. Lee Talbot, former chief of the President's Council on Environmental Quality: "The incidence of rabies does not appear to increase or decrease with changes in trapping methods. The contention that rabies increases dramatically when steel leghold traps are banned seems entirely without merit."

Of the dozens of countries responding to a Friends of Animals inquiry which asked, among other things, if that country has experienced any health-related concerns in connection with banning the leghold trap, only one country answered in the affirmative. That country was Switzerland, and the government official responding said a rabies threat was dealth with by means other than the use of leghold traps.

The great majority of countries, including those with health-conscious goverments, such as Great Britain and Sweden, as well as those most susceptible to epidemic diseases, such as Bangladesh and any of a myriad of developing African countries, say that the ban on leghold traps has precipitated no appreciable health concern.

Faced with a wall of evidence to the effect that a ban on the leghold trap has no detrimental health effects, pro-trapping interests claim that Switzerland had to "rescind" its ban on the traps, because the initial ban caused rabies.

Friends of Animals has corresponded frequently with Dr. Peter Dollinger, the Swiss Federal Veterinarian, on just this score.

In a 9 November 1983 letter to Friends of Animals, Dr. Dollinger wrote:

"When rabies first appeared in Switzerland, the Federal council decreed an ordinance on rabies control (13 April 1965). . . When it became apparent that rabies was transmitted almost exclusively by the fox, the Federal Council decreed a new, much more detailed ordinance (26 May 1967) that obliged cantons to reduce the fox populations by the following means: (widescale hunting of foxes, feral and domestic cats, free-running dogs).

"On February 1968 even more strict measures were decreed. These included:

-admission of leghold traps under strict control:
-extention of the hunting season on the whole year in areas where fox burrows were gassed.

"On 24th September 1973 the admission of the leghold trap was revoked.

"To my knowledge the use of the leghold trap has been admitted only by a few cantons in the alpine area where it was impossible, for topographical reasons, to gas the burrows. E.g. the Canton Graubunden admitted the leghold trap from 1968 to '73, however, it is very unlikely that it has been used to a great extent, as the import ban existing since 1962 has never been levied. In 1974 Graubunden prohibited again the use of the leghold trap. In 1979, Graubunden prohibited all traps except the box trap.

"The only method of rabies control which proved to be effective is the vaccination of the foxes. This method has been developed by the late Prof. Steck at the Veterinary Faculty of Berne University. Live attenuated SAD-strain of rabies virus is applied orally to the wild foxes. The vaccine is put into small aluminum bags which are hidden in chicken heads. 15 to 20 chicken heads per sq. km are distributed on a terrain compartment of at least 20 km depth which is, whenever possible, laterally confined by high mountains, lakes, broad rivers, or fenced highways. The vaccination has to be repeated every six months. For the first time this method was used in the Canton Valais in 1978. Since then also parts of the Bernese Overland, the area between the Lake of Zurich and the Lake of Zug, and the Rhine valley of Graubunden have been included in this campaign. In 1984 an additional campaign will start including all north-eastern Switzerland except the Canton Schaffhausen which is situated north of the Rhine, and including also the Principality of Leichtenstein."

Dr. Dollinger forwarded extensive research data and information on this program, which is available at Friends of Animals.

A salient fact: Under this immunization program, the trapping of animals is damaging to the desired effect, for trapping removes immune individuals. One can imagine the reaction of the fur trade to this successful immunization program - with no excuse other than commercialism left to maim and kill wildlife.

The great majority of countries, including those with health-conscious governments, such as Great Britain and Sweden, as well as those most susceptible to epidemic diseases, such as Bangladesh and any of a myriad of developing African countries, say that the ban on leghold traps has precipitated no appreciable health concern.

Epidemiologist Dr. Stephen Laun notes that" "Population reduction may have some very negative aspects. It has been observed many times that in mammal populations the reproductive rate varies inversely with the population density. When the population reaches a high level, the birth rate shows an appreciable decline, and vice versa. Thus, when a population is reduced to a low level by any of a various means of control the number of new individuals in the population increases simply because of the increase in the birth rate. Most of these new members of the population are apt to be non-immune individuals."

Scientific observations and facts such as these provide good theoretical argument for the practical experiences of countries where the leghold trap is banned. They may have fewer public health concerns related to wildlife-borne diseases because their wildlife populations are more stable and enjoy a greater immune factor. According to the Merck Veterinary Manual, rabid animals "usually stop eating and drinking and may seek solitude." This suggests they are not likely to be trapped by devices such as the leghold trap because the baits set on them to attract animals are most likely to be ignored by a rabid individual. The animal's seeking of solitude will also tend to discourage it from visiting areas it normally frequents which are also, most likely, the area where the trapper sets traps. This situation, then, increases a healthy animal's likelihood of being trapped and decreases the diseased animal's likelihood of being trapped.

The development of new pharmaceuticals may require a halt to non-selective trapping altogether, or at least in certain widespread areas. The Centers for Disease Control is currently working on an oral vaccine against rabies, very similar to Switzerland's highly successful one. Further work and testing remains to be done. But again, the implication of oral vaccination requires non-selective trapping if the programs are to be effective.

The oral vaccination of wildlife against rabies is progressing in many countries since the concept was proposed and endorsed by the World Health Organization in 1967. The Canadian Government's studies assert that oral vaccination is also the most cost-effective means of securing public health and that a rabies-endemic area of Ontario could be treated with oral vaccine with "50% to 60% reduction in the present rabies cost of $4.6 million."

The Canadians conclude: "Given a positive cost benefit ratio, the most salient feature of a successful control program would be the near elimination of human and domestic animal exposure and the associated risks and costs."

The trend in controlling rabies is abundantly clear. The most respected and knowledgeable experts in the United States and abroad are all stating emphatically that trapping in no way controls rabies, is an "exercise in futility," may in fact exacerbate the spread of disease, adding a double-progn to the fur trade's assault on the public's well-being.

We should therefore examine those associations that decry banning the leghold trap as "dangerous" to public health. All have an axe to grind, a stake in the status quo. None are objective.

Membership of the U.S. Animal Health Association is largely comprised of state and federal employees and industry, such as sheep ranching. The wildlife chairman (the wildlife committee drew up the resolution opposing any trap bans as a threat to public health) as of 1983 was Ray Thorpe, Chairman, Wyoming Game and Fish Department. Past chairman of the U.S. Animal Health Association's wildlife committee was Frank Hayes, of the Georgia Southeast Wildlife Disease Cooperative, funded in part by the U.S. Department of the Interior, our nation's largest trapper. The Georgia Southeast Wildlife Disease Cooperative is one of the most vociferous trapping lobbyists in the U.S., appearing on panels of "experts" to defend Woodstream when Trans-Species scheduled a 1983 demonstration against Woodstream's trapping products. In addition, the Cooperative is conducting tests on Woodstream's rubber-lipped steel-jaw leghold trap, and is among the very few friends of Woodstream to be given that privilege.

Indeed, Victor Nettles, DVM, of the Cooperative, who appeared on the panel defending the leghold trap and urging its use to prevent rabies, ought to know that the present rabies strain creeping northward is a largely a result, as Dr. Suzanne Jenkins of the CDC states, of the translocation of raccoons for hunting. As Dr. Jenkins stated to Star-Ledger columnist Lois Stevenson in 1983, "Monoclonal studies have proved beyond doubt that rabies in Mid-Atlantic raccoons did not come from skunks and bats in this area (mid-Atlantic). It's an entirely different virus," she emphasized, "and its identical to the rabies virus in Southeastern raccoons." Stevenson noted: "During her presentation, Jenkins described a CDC survey in the mid-Atlantic states this year, in which they examined both road-killed and live-trapped raccoons. The number of rabid animals ran as high as 70 percent in the dead raccoons, but only nine percent in the trapped raccoons."

"Trapping doesn't get very many rabid animals," she (Dr. Jenkins) emphasized."

The reason Dr. Nettles of the Georgia Southeast Wildlife Disease Cooperative ought to know the source of any rabies problem is that he was a co-author of a study which appeared in the AJPH, June, 1979, entitled: "Rabies in Translocated Raccoons."

There is confusion on the score of a Dr. Edward Couvillion, who testified in favor of leghold traps before the New Jersey Legislature as representing the Georgia Southeast Wildlife Disease Cooperative, and yet is represented in both outdoor columns and in "Fur Age Weekly" as representing the Centers for Disease Control. Friends of Animals has telephoned the Centers, Office of the Director, inquiring whether Dr. Couvillion in any way represented the Centers.

We were told over the telephone that Dr. Couvillion was not on any lists, and have written for confirmation.

The National Wildlife Federation, which also states the dire need for leghold trapping to prevent disease outbreaks, is comprised in bulk of 8,000 local trapping and hunting clubs.

5. WOODSTREAM'S RUBBER-LIPPED STEEL-JAW LEGHOLD TRAP - Our nation's largest manufacturer of the steel-jaw leghold trap, the Woodstream Corporation of Lititz, Pennsylvania, is offering the leghold trap as a "humane alternative" to itself. This item is the classic steel-jaw trap, invented over 100 years ago, given some politically expedient cosmetics. It is largely a semantic game. During December of 1983, when Woodstream representatives filled the halls of New Jersey's Statehouse to push their wares, this trap was called the "cushion-hold leghold trap." The New Jersey Legislature defeated an amendment put forth by the trappers' senator to permit use of "padded" leghold traps, specifically, Woodstream's "cushion-hold." Now, the trap is being marketed and advertised as the "Soft-Catch Trapping System," loftily called "Generation 3" of Woodstream's padded traps.

Those testing Woodstream's padded trap are those who have enjoyed an historic alliance with the fur trade; those who in the past declared the leghold trap "humane and efficient," associations which appear on panels to defend Woodstream's odious product.

Woodstream, in its published "An Open Letter to Trappers" (Fur-Fish-Game, March 1984) says that "Some people have referred to these new devices as "padded traps." This is an oversimplification and incorrect. In reality, our Soft-Catch trap is a total trapping system including:

- A shock-absorbing spring to reduce dislocations due to lunging"

Gerald Thomas of Woodstream contends that "It has a spring in the chain that, of course, operates like a spring on the end of a dog chain, so when the dog is lunging, it doesn't give him a solid pull."

Let us look at the "shock-absorbing" spring to which Woodstream refers. First, the spring is located in the chain that attaches, in essence, the trap to the stake. The springs in all 10 Woodstream "Soft-Catch" traps that Friends of Animals tested (no animals) were of little "give." Given the boundaries of the trap to the stake, the source of give is finite; thrusts and lunges of animals will be halted abruptly by the stake - where there is no "give."

Woodstream's letter continued:

- "A center-mounted swivel on the bottom of trap and a staking swivel to permit the trap to rotate with the captured animal"

Again, there is no "swivel" in the powerful grip of the steel-jaws. The animal, likely to be a fox with a wrist circumference of less than an inch, will still writhe and twist within the trap. The stake swivel is still affixed to a source which has no "give."

Gerald Thomas makes the astounding remark that because of these swivels, "there is no possibility of him wringing off a foot or anything like this."

The "Soft-Catch" trap is the steel-jawed trap. The jaws close with great pressure upon the narrow bones in the appendages of furbearers, such as fox and raccoon. The pressure obviously has to be great enough to hold that animal's appendage between two jaws. A wild animal escapes a trap holding it by the limb through one of two means: tugging, twisting and pulling out of the trap jaws, or "wring-off," chewing off its paw.

Woodstream's next point:

- "Medium-strength coil springs strong enough to hold the animal without damaging it"

The springs, with a pressure of about 24 pounds (on the limb of a 12 pound fox, with narrow bones in the appendages) is strong not only in proportion to the animals it will damage, but to human being's fingers. Again, this is the classic leghold trap - and cosmetic changes won't lessen pain. The "35% less pressure" argument is specious - any trap composed of steel-jaws, whether rubber-plastic lipped or not, and that exerts enough pressure to hold the limb of an animal is going to cause damage. This pressure leads to pain, cessation of the blood flow and concomitant injuries, including edematous swelling and hemorrhaging, and, regardless of the "swivels," twisting, ripped tendons and broken bones.

The trap jaws will still close on or above the ankle or wrist. The initial lunges of the animal will still draw the trap down the leg to the dishead of the longbones, past which the trap will "seldom move." The animal will still circle about the stake, regardless of "swivels," and the twisting of the animal in that trap will still result in abrasions and lacerations of the skin at the point of contact with trap jaws. The trap jaws, especially when the animal chews off the "rubber" lip, will still erode notches into the dystal metaphyseal region of the tibia or ulna. Tendons will be severed. Bones will still be fractured, ends of longbones comminuted by impact with ground or chewing by the trapped animals. There is no question the animals will continue to chew off their feet to gain freedom. There will still be starvation, the onset of gangrene, exposure to the elements, thirst, hunger, predation. Dogs, cats, and non-target wildlife, such as raptors, will still fall prey to the steel-jaw leghold trap. Raptors, as all birds, have hollow bones - and will sustain as much damage, because this is still very much the leghold trap.

What else is Woodstream, which has the textbook definition of "vested interest" in this leghold trap with a new name, saying? - "Tough, durable rubber-like inserts with concave faces that wedge against the paw to prevent pull-outs. In the "infrequent" occasions when they need to be replaced, a screw-driver is all that is needed to do the job in a few minutes."

I, Susan Russell, was able to chew off parts of the rubber within 1 minute. An animal in panic will be able to do so far better, and in the process sustain substantial tooth and jaw damage - just like the injuries sustained with the regular leghold trap. Woodstream is totally inconsistent in its statements about the life of the rubber-lips. It tells Connecticut legislators a) the rubber should last the life of the trap and, in the same day, b) the rubber should last through six or seven animals.

Friends of Animals submits that animals will chew the rubber-lips off with regularity.

Woodstream declares that it "has no vested interest" in the "Soft-Touch" steel-jaw leghold trap. It declares that it makes other cable-coated snares, manufactures both, and stands to gain no matter what type of trap "replaces" the leghold. The leghold trap is the favorite trap of trappers because it is cheap and easy to use. Woodstream knows that trappers want the leghold trap, and nothing but, and to keep the company in the black, Woodstream will push its leghold wares.

In its mad rush to portray the "Soft-Touch" as a viable "alternative" to leghold traps, Woodstream says "still further modifications have now been made with the result that the final version of these traps virtually eliminates trap-caused or self-inflicted injuries." Further, "these findings have been substantiated by extensive field testing recently completed by the New York State Department of Environmental Conservation."

These remarks are again, truly astonishing. The "extensive" testing was done by Woodstream's friends, the New York DEC. The number of animals tested: 8 foxes (red and gray) were tested in "padded" traps, as were 9 raccoons; 7 red foxes and 14 raccoons were tested in the unpadded trap. Ben Tullar, one of the New York biologists in charge of the study, is a vociferous defender of the "humaness" of steel-jaw leghold trapping, and traveled all the way to New Jersey to tell legislators: "Assembly Bill 3207 would ban the use of the only fox capture tool that we have found to be effective and 'humane.'"

The nature of the New York study can be best exposed by this event: "The two middle toes of a red fox were found in a padded trap. Because this trap was stolen two days later, it seems probable that the fox had been cut or pulled from the trap by the thief and that it had not escaped unaided." Therefore, reasoned Gary Parsons, Supervising Wildlife Biologist, the fox that lost its toes to the "padded" trap was not included in the final statistics. Who can "cut" the limb of a fox from a leghold trap, managing to leave the toes? What else was decided by the biologists who are in favor of leghold trapping about what was or was not to be included in the results of this "study"? Was there any animal pain expert participating in this "study"? No. Were the limbs of the animals

X-Rayed? Woodstream says that " this trap eliminates virtually all self-inflicted or trap-caused damage," and has said this in writing. Yet the New York study, such as it is, shows foot damage for foxes trapped with padded trap in the form of edematous swelling and hemorrhaging, cutaneous laceration. Further, the New York study says that the padded trap was "found not to have significantly reduced foot-damage in raccoons even though three of 14 (21 percent) raccoons taken in unpadded traps have very high foot-damage scores while none of those taken with padded traps had extensive damage." Strange.

The traps were checked every 24 hours, a rare occurrence in the trapping world. And, a backhand admission of leghold traps' nonselectivity: "When trapping began as many raccoons were caught as foxes even though care had been taken to avoid raccoon habitat. For this reason, we considered these a target species as well." A lot of accomodations in this "study."

We point blank dismiss the New York study, called "An Evaluation of a Padded Leg-hold Trap for Capturing Foxes and Raccoons."

The U.S. Fish and Wildlife Service's Denver Wildlife Research Center, September, 1983, results of studies with padded traps is equally unconvincing. As they admit, their results are preliminary, the trap has not been tested under extremes of heat, moisture, and cold. The device has not been tested on non-target species. Mr. Thomas of Woodstream boasts of testing his padded trap in "110 degree heat" in Texas. Extremes of heat and cold simply reflect the cruelty of leghold trapping, whether the trap is "padded" or not. Why "test" the humanity of a trap that has been the cause of so much animal agony over hundreds of years? This is not a "new" trap.

In the study conducted by Woodstream's allies, the Georgia Southeast Wildlife Disease Cooperative, the "rubber-shod" trap did not reduce edematous swelling and hemorrhaging. Freshly-chipped or broken teeth were observed in 7 coyotes caught in rubber-shod traps as opposed to similar damage in 4 coyotes caught in steel-jawed traps. Broken or chipped teeth occurred in 5 foxes taken in "rubber-shod" traps and in one animal taken in the steel-jawed trap.

By asserting that its "new" trap, which is the "old" trap, "virtually eliminates trap-caused or self-inflicted injuries," Friends of Animals submits that Woodstream is lying.

In "The Trapper," a October 1983 edition of a national trappers' newspaper, it is written: " It is safe to say, and Robertson (whom the trappers' identify in the article as the "president" of Woodstream) freely admitted, some animals trapped and retained in the padded traps may attack the rubber and destroy the inserts on the first catch."

The rubber-lipped leghold, by whatever name Woodstream chooses to call it, is patently unacceptable as an alternative to the leghold trap. As the New Jersey Legislature declared, it is the leghold trap.

6. TRAPPING REGULATIONS - Proponents of the leghold trap frequently cite extant trapping regulations or the promulgation of stronger rules pertaining to trapping as an alternative to banning the leghold trap. This premise is misleading in that these regualtions are unenforceable and have no basis in reality, the realm in which we are all most interested in dealing.

Trapping is a surreptitious activity dependent upon taking a wary animal by surprise. State wildlife law enforcement officers cannot begin to monitor or reduce illegal trapping. In any event, legal trapping with the leghold, an inherently cruel and non-selective device, is the subject of this legislation.

Hope Ryden, the respected naturalist and author of God's Dog and Bobcat Year and several articles on North American wildlife which appear in the Smithsonian and National Geographic, comments on the flagrant disregard for trapping regulations. After an account of several pets injured in untagged, illegally placed and out-of-season traps in Northern New Jersey and New York state, Ms. Ryden goes on to note: "Such flouting of existing trapping laws cannot be dismissed as a local incident. While conducting field research in the West, I frequently found illegal, unmarked and out-of-season traps on our public lands. In Arizona, an angry rancher (who within the space of a day suffered the crippling of his two most valuable herding dogs and an injury to his two-year-old grandson) led me to 41 out-of-season and unmarked traps set on public grazing land he leased. He told me that it would be dangerous for him to protest. If he did so, he said, the trappers might react by shooting his water tank full of holes or by leaving his gates opened. I promised not to use his name when I called the Arizona Game and Fish warden.

"The game warden I spoke with responded as follows:

> Enforcement of trap laws is a heartbreaking job. We can spend four days a week and that is not enough. The answer is a drop in fur prices. If prices fall, trappers won't bother with the coyote and fox that much either. We only have 51 men to patrol the whole state. Judges can fine $300 for trapping offenses but they never do it. The $30 trapping fee was meant to slow down trapping but now they're just not bothering to get licenses. Don't quote me on this, but everyone would agree with me.

Still another officer told me:

> Each officer has 2,000 square miles of rugged terrain (to patrol). Poachers are willing to take the small risk of being apprehended and the even smaller risk of trapping out-of-season and without a license.

In Idaho, Ms. Ryden encountered an even worse situation. Unable to locate bobcats in the Idaho wilderness, where the species has been over-trapped, the author was to conduct research in an area she thought was inaccessible to trappers - the National Nuclear Testing Station - a 640-square mile security region. According to Ms. Ryden: "But bobcats were scare there too, and after several weeks of poorly rewarded effort, I discovered why. The security officers who patrolled the area encountered 80 leghold traps set for bobcat!"

Ms. Ryden has often found it necessary to abandon research areas as a result of the prevalence of this device and its effects on the populations of animals she was trying to observe.

State wildlife officers cannot begin to monitor the placement of hundreds of thousands of traps set on private property, public lands, woods, meadows, farms, and waterways.

New Jersey is yet another example of lack of enforcement. For administrative purposes, the state is divided into 3 wildlife enforcement districts. Each district is manned by 12 officers when at full strength. This means that one officer is responsible for approximately 230 square miles. Aside from his enforcement duties, each officer is assigned 8 other tasks, including water pollution investigation and stocking fish.

It is quite obvious that proper enforcement of trapping regulations is not only difficult, it is impossible. Thousands of violations of the law can and do occur. As an example, in response (anonymous) to a recent New Jersey Fish and Game survey, trappers admitted they still use the leghold in the 11 counties in which the trapped is banned.

The Yale School of Environmental Studies' "Policy Implications of National Study of American Attitudes Toward Animals," says:

> Trappers seemed quite unconcerned about issues involving the protection and welfare of animals as indicated by a very low moralistic and ecologistic score. Indeed, more than any other group, trappers consistently opposed efforts to minimize cruelty to animals or depredations to wildlife and wilderness environments.

Again:

> This group seems to exercise little restraint or control in its exploitation of wildlife or natural resources.

According to the Yale University survey, 86 percent of those who had trapped reported this activity as mainly occurring prior to age 20 (65 pecent between 13 and 20, 21.5% between 5 and 12 years of age). Dr. Kellert, who conducted the survey, noted:

> These figures suggested that trapping is a relatively uncommon activity, most often occuring in pre-adult years.

The National Trappers' Association reacted to this apt assessment with great alarm, and suggested to Dr. Kellert that his random sampling, which yielded the above information, be "augmented" by a sampling of the NTA's membership. As a result, trappers emerged in the second sampling, of the NTA, resembling none so much as Marcus Welby, MD.

COMMERCE - Passage of HR 1797 would effectively end the use of the leghold trap in the United States. It will not, however, mean an end to the U.S. Fur Industry.

In the Friends of Animals survey of countries that have adopted bans on the leghold trap, not one country reported any serious impact on its economic vitality. Indeed, we find among these countries several that have a good fur trade being conducted with the U.S. and other countries.

Most countries that have banned the leghold trap report, as Brazil: "...no economic consequences." Chile, going to greater length, explained: "Once cannot say that this prohibition has led to adverse economic consequences now that the animals of economic importance . . . are captured by other legally permitted means."

The experience of dozens of countries, many with profitable not caused any significant impact to either their national commerce or the specific industry.

national commerce or the specific industry.

Switzerland, which has banned the leghold trap, and presently planning to ban all traps except the box trap, offers a good example. Many U.S. trappers complain that leghold traps are the only practical means of capturing long-legged furbearers -- particularly fox. Fox, however, is the species most frequently captured by commercial trappers in Switzerland, where leghold traps are banned.

Further, and again in relation to the trappers' complaint that they cannot capture fox in anything but a leghold, The Centers for Disease Control has done all of its work involving the live trapping of hundreds of wild animals, including foxes, by using only box traps. It is against CDC policy to use leghold traps. In its research CDC has used box traps manufactured by the Tomahawk Live Trap Company of Tomahawk, Wisconsin.

The CDC is charged with protecting the public health. It relies on box traps to capture wild animals - not the leghold trap. The CDC's ability to live capture foxes in box traps is particularly significant because apologists for the leghold frequently claim that foxes cannot be trapped in box traps. The CDC's experience suggests that these trappers are either uninformed, incompetent or lying.

Dr. Kenneth B. Shaw, D.V.M., wrote Friends of Animals in 1978:

> It has been my experience that steel leg traps are not necessary for the capture of wild mammals. This opinion is based on my experience during 1966 when I was employed to trap and take blood samples from wild mammals in Forked River Game Preserve. The only traps used were "Have-a-Hart" traps.
>
> During a ten week period, I was able to capture approximately 90 to 100 mammals, including opossum, skunk, rabbit and raccoon. All animals were tagged and released, after a blood sample, for encephalitis, was taken.
>
> None of the animals trapped were injured in any way by the traps. The steel leg trap is a vicious, inhumane and brutal thing. It has no place in our society.

On December 20, 1981, Bill Clark, Chief Curator of the Hai-Bar Arava Biblical Reserve in Israel, wrote Friends of Animals:

> I understand that certain interests in the United States defend the use of steel leghold traps against foxes because, they claim, box traps are ineffective against these species.
>
> We have recently experienced a substantial increase in our fox population ... the fox involved is Vulpes vulpes, the same animal you have in America.
>
> My principal concern is that these foxes might prey on newborn Nubian ibex (Capra ibex nubiana) which we expect to begin arriving in about 10 weeks. Consequently, I've conducted a fox-catching program in the vacinity of the pregnant ibex.
>
> Using only box traps, sometimes in connection with a drift fence, we have captured 73 foxes in the past month using ten traps set each evening and checked each morning. Not a single animal was injured in the project.

It is most strange that pro-trapping interests, such as the New York State biologists who test Woodstream's leghold trap with rubber-lips; who declare the standard steel-jaw trap "humane," say that these animals cannot be caught in box traps, and when they are, they "sustain injury." Most strange, indeed.

It is important to note that the majority of skins from animals trapped by the leghold trap in the U.S. are sent abroad for manufacture. Approximately 24 million wild animals are trapped annually for their fur in the United States. An estimated 84 percent of the skins of these animals are exported abroad for manufacture, where labor is cheaper. These figures are verifiable when comparing the number of animals trapped, state by state, to United States Department of Commerce, Bureau of the Census, U.S. export trade statistics.

In sum, the animals trapped by the leghold trap in the U.S. do not provide "hundreds of thousands" of jobs, and the export of their skins explains the relative paucity of jobs connected with manufacture in the U.S.

Besides, trappers freely admit this is the case. As a single example, a January 12, 1981, Asbury Park Press article (New Jersey), entitled, "Most pelts trapped locally end in Europe," says it all: "Eighty percent of the pelts sold will be shipped overseas, said Fred Gimble, president of the Central Jersey Furtakers of America."

The number of those employed by the fur trade has been grossly exaggerated. According to the Bureau of the Census, U.S. Department of Commerce, there are but 1,300 fur dressers and dyers in the United States. (Reference: 1977 Census of Manufacturers, Volume II, Industry Statistics, Standard Industrial Classification Major Groups 35 to 39. SIC 3999-2371). While the New York-based fur lobby was claiming that "hundreds of thousands of New Jerseyans" would be put out of work by New Jersey's ban, the true number of fur workers in the state was 183. The skins of muskrats, caught largely by conibear traps, made up the bulk of any manufacturing.

The fur industry in the United States is a relatively minor operation compared to the country's overall industrial activity. There are, according the the U.S. Department of Commerce, about 546 manufacturing establishments (85 percent of which are in New York City) employing 3,800 people. This sets the fur industry at less than three-tenths of one percent of the U.S. apparel industry's employment of 1,323,531 people. It should be further noted that the fur industry survives at its present low-employment numbers only because of federal subsidy through the Comprehensive Employment and Training Act (CETA). There has been little indication within the fur industry of its desire to diversify. The profit of a trade which the public is on record as opposing seems to be sharply skewed - with a relative few interests making most of the money. Indeed, at an Asbury Park Press editorial meeting in 1983 concerning banning the leghold trap, Sid Benjamin, president of Flemington Furs, stated that "his workers" received "minimum wage."

Congressmen have surely received fur trade literature stating that the "fur industry employs 250,000 people directly or indirectly." As in anything else, it is important to ponder what is not said, rather than what is. "Indirectly" happens to cover gasoline, buttonhole makers, tires, the works. The number of people includes meatcutters, United Food and Commercial Workers, who have nothing to do, really, with the miniscule fur trade. "Indirectly " should be defined.

Because an activity is income producing doesn't make it right. The New York drug trade is estimated at $54 billion, making the fur trade look like peanuts, and "employs" 300,000 people in the New York area alone. Because of these revenues, should we legalize heroin?

A letter to the Daily News (New York), July 26, 1984, signed only by "C.P." raises another question. The letter to the editor reads:

> There are many shops in the fur district of this city that employ people who come over from Europe as "visitors," and work from early morning until late in the evening. This work is done off the books. These people mass thousands of dollars and then trot back to Europe with their pockets full. I know of one employer who is applying for a visa for workers to come here and work for him in the same way. There should be an agency to watch over these shops. Because the practice is unfair and our country is losing tax dollars from it.

Is the industry claiming such an interest in employment cutting these corners? Friends of Animals has not yet investigated the implications of this letter, and we suggest that the Committee carry the points raised in this letter further.

And finally, there is the question of the AFL-CIO. The several public surveys mentioned earlier prove that the public's disapproval of both fur products and the leghold trap of course must apply to rank and file union members. Even among the leadership of the AFL-CIO, there is apparent dispute. Several letters in support of banning the trap have been forwarded to Friends of Animals, including Stage Employees Local One, IATSE, AFL-CIO, and the Brotherhood of Locomotive Engineers.

Another salient fact to be considered is that the impact of this legislation will be noticed in a minor part of this comparatively small industry. According to testimony delivered by a representative of the American Fur Industry, wild furs "Account for about 45 percent of retail fur sales." He also said that "Some 87 percent of all wild furs are taken by use of the leghold trap." This reveals that about 39 percent of the U.S. fur market involves furs taken by use of the leghold trap.

Most of the countries to which the U.S. exports its furs have banned the leghold trap as cruel. These countries might justly question the importation of U.S. furs because the U.S. has not adhered to an international humane standard. A precedent for such a ban on fur trade presently exists in U.S. law - the Marine Mammal Protection Act of 1972 - which prohibits the importation of baby seal skins. The ban is based on U.S. moral objections.

Attached are the many dismayed comments sent to Friends of Animals by wildlife officials of countries that have long ago banned the leghold trap. The strength of these comments and feelings could well lead to embargoes.

HR 1797 is a threat not to the fur trade but to its inertia. The leghold trap is cheap, available and easy to use. At one time, aboli tionists were complaining that slavery was cruel and immoral. Plantation owners responded that slaves were important to the economy; without them, the economy would collapse. Today, we know that the plantation owners' responses were sheer self interest, and that the reason for using slaves in the Nineteenth Century was that slaves were cheap, available and easy to use.

Fur is a luxury enterprise. The economic, social and defense capabilities of the U.S. are not dependent on the health of the fur industry. People with money to spend on luxury items will spend that money somewhere else - on some other product, the manufacturer of which will also employ people. The issue then becomes academic. The employment might also yield more than the dead-end career, at minimum wage, now found in the fur trade.

The most direct economic effect of HR 1797 will be felt by the trapper. It would require the trapper to obtain different trapping devices, something that could not honestly be called a major investment. This is a matter faced by most businesses in the U.S. when regulations are promulgated to ensure the safety and well-being of human beings, animals and the environment. Douglas Thompson, President of the Toy Manufacturers of America, cites expenditures of the toy industry to develop safer products as follows: "1) Development of a Voluntary Product Standard which is estimated to have cost us 1 million dollars 2) Each company has purchased testing equipment and set-up laboratories specifically designed for toy safety and 3) Substantial resources are expended to communicate our standards, train personnel, update, etc."

Mr. Thompson also states, "While there was some resistance at the start, I believe the industry now recognizes that these expenditures improved the products, helped increase sales and gave new confidence to our consumers. Once people move from the narrow issue of "if" and get to "how," creative innovation always improves the situation."

Moneys expended by the auto industry for safety and environmental controls are considerable. The cost of government regulations to General Motors in 1981 was $2.2 billion, and required the equivalent of 24,000 full-time employees to comply with regulations concerning auto safety, auto emission control, etc."

Why should trappers, most of whom trap for spending money or "sport," be exempt from this course of progess?

With the purchase of a state license and a few leghold traps, a trapper reaps sizeable profits from trapping and killing public wild animals. Or does he?

The New Jersey Trapper Training Course tells prospective trappers:

> Trappers are not in it for the money, because you can make more money pumping gas.

The "Pennsylvania Trapper Training Guide" tells trappers:

> Trapping is done primarily for sport, although the extra dollars gleaned from a year's catch always comes in handy.

On Sunday, April 29, 1984, the Cleveland Ohio Plain Dealer featured an article entitled: "Fur Trappers - The Money's Small and the Abuse is Big, but the Great Outdoors is Theirs," featuring remarks such as "if you enjoy it, it's a hobby that makes a little money."

Yet another May 23, 1983 article was called "Woodsman traps for fun, not funds." Again, the trapper was quoted: "the pelts he sells don't pay for his gasoline or the traps that are lost or stolen."

A February, 1980 New York Times article said the average U.S. trapper earns only $100 per season.

The United States Department of Commerce, Bureau of the Census, estimated in October of 1981 that the number of professional trappers and hunters in the U.S., based on the 1970 census, was between 0 and 2,000.

The New Jersey Census (1980) showed but 62 professional hunters and trappers in the state.

If, as the New York Times, states, the average U.S. trapper earns $100 per season from the activity, this amounts to 83¢ per day; in most areas, the average season is 120 days.

The Yale School of Environmental Studies reported that in 1980 the "average" trapper "traps 11 days out of the season."

The same survey asked if trapping was a major source of income - 86.4 percent responded, "No."

Historically, the number of trappers increases or decreases commensurate to increased or decreased prices paid for furskins. The number of trappers in Texas, for example, increased from 5,000 in 1972, when pelt prices were low, to 32,000 in 1978, when prices were much higher. This information and pattern indicates that the majority of trappers can take or leave trapping; certainly don't do it to protect the public from rabies, and prefer to "cash-in" when sales are relatively lucrative.

8. AGRICULTURE - It is stated by the fur industry that a ban on leghold traps would create serious agricultural problems. This fear is unfounded, and, we believe, concocted by people more interested in selling furskins than protecting crops.

The usual scenario would make a good plot for a horror film. Apologists for leghold trapping contend that if trappers don't "control" wildlife populations, the uncontrolled animals will multiply geometrically and over-run America's agricultural structure. We hear of beavers creating "billions of dollars of damage" to dams, we hear of spreading pestilence.

This is nonsense. The Smithsonian Institute featured an exhibit on evolution that addresses this issue. Theoretically, two cockroaches are capable of reproducing 15,969,850,414, 242 offspring in a space of 4 years. This number would cover approximately 4 miles. During that same period, the Smithsonian exhibit noted, a pair of oysters could yield 6,250,000,]25,000, 002,500,000,000,000,0001 descendents, a number that could fill more than the space of the sun.

These are arguments used by apologists for the leghold trap to scare or mislead those not conversant with the subject.

In fact, trapping may actually cause wild populations to explode, for it has been established that intensively trapped animals in control areas have larger litter sizes.

Elementary biology points out the restraining forces that influence populations. Dr. V.C. Wynne-Edwards defined the reality of wild population dynamics:

> Population growth is essentially a density-dependent process. This means that it tends to proceed fastest when population densities are far below the ceiling level, to fall to zero as this level is approached, and to become negative leading to an actual drop in numbers if ever the ceiling is exceeded.

According to Dr. Kirch of Harvard:

> I would have to argue that trapping is ineffective in controlling natural populations, because typically wild animal populations are effectively regulated by natural factors, including their own density, and do not go on increasing forever. Beginning from a few individuals, those populations may grow only very slowly for a time, but past a critical number begin to increase very rapidly. Inevitably, the fast rate of increase ceases, and the population reaches a fairly stable number, most obviously because the food and shelter are limited...it is clear that reducing a population by trapping just forces it back into the fast-growth phase.

> Once again, trapping does not control populations. Thus, we can't justify using the leghold trap because it won't do the job any more than will another sort of trap.

Practical experience shows that trapping does almost nothing to influence populations of most animals. All trapping really does is artificially change the age structure of wild populations, creating populations of younger, and less experienced animals. The only animals for which trapping poses a real hazard are the large carnivores such as cougars, wolves and bears, which are at an ecological secondary heterotrophic level, at the top of thier respective food webs. Many of these species have been pushed into endangerment, to a great extent, by trapping.

In every state farmers are afforded liberal, year round relief from any furbearers who may, in rare instances, be causing damage to crops. Raccoons, foxes, woodchucks can be shot when doing damage - and trapped with box traps. It is important to remember that all states have generous prescribed hunting seasons on the raccoon and fox.

Surveys of farmers who have sustained livestock damage in New Jersey reveal that 99 percent of predation on livestock in 600 cases was attributed to feral or domestic dogs, not foxes.

Foxes do not cause agricultural crop damage. They are carnivorous.

At New Jersey's hearings to ban leghold traps, two farmers urged the legislature to ban the leghold trap because the foxes are being trapped out, and they are needed to control lagomorphs, who do real damage.

We will also hear that raccoons caused "billions" of dollars of damage to sweet corn. In fact, grackles, not raccoons, are the most resented diners by farmers. At this point, the question arises concerning the fur trade's lack of concern about trapping grackles.

Raccoons who nibble sweet corn, field corn, soybeans and other crops are not registered with the U.S. Department of Agriculture as causing economic loss. What does contribute to economic loss is blight, bad use of pesticides, inclement weather, the usual factors. But wildlife is not registered.

Trapping increases the rate of growth of a population, and keeps wild animals, those with lucrative pelts, in a constant fluctuation. A predominance of young, immune and inexperienced raccoons, or any furbearer, will not bode well for a farmer truly concerned with his crops, for the young will be curious and intrude.

Again, groundhogs cause no economic loss, and while they will feed on soybeans, it was brought up by farmers at New Jersey's hearing that more soybeans are wasted by crop harvest machinery than is ever eaten by all wildlife combined. Groundhogs are diurnal animals who emerge morning, noon and evening. They make such easy shooting targets that in many areas, the species has been "shot out."

Contrary to claims by fur industry representatives, beavers are being used out West to repair and rejuvenate areas ruined by man, and areas over-trapped for beaver skins. In Wyoming, the BLM is using beavers to repair a badly eroded stream system. The beavers are saving human beings money; the BLM estimates that the job, if done by humans, would cost $50,000.

Since most legal trapping seasons are during the winter, trapping furbearers does not, as is indicated, give farmers immediate relief.

A few decades ago, when the Danes were considering a ban on the leghold trap, farmers were complaining that the land would be over-run with weasles and the rivers with otters if the trap was banned. They predicted that the country's poultry and fishing industries would suffer.

The Danes banned the trap anyway, and then kept a close watch on the populations of weasles, otters and other wild animals that might affect human agriculture. They watched -- and nothing happened.

The Danish Government presently reports that there is no noticeable change in wildlife populations since the banning of the leghold trap.

Nearly identical experiences have been observed by virtually all countries that have banned the leghold trap, and these practical experiences have confirmed the theory espoused by Dr. Wynne-Edwards.

Trapping apologists then looked to horse breeders and posited the argument that burrowing furbearers are dangerous to horses. Friends of Animals investigated the charge and found it to be false. Subsequently, the Standard Breeders Association, and dozens of major horse breeders have signed statements that state: "I, the undersigned, a breeder of horses, wish my legislative representatives to know that the presence of wildlife on my land is not detrimental to the raising of horses. In particular, horses do not fall and break their legs in pastures because of holes dug by animals. The Congress should recognize that trappers are motivated by self-interest. The idea that they operate to protect my interests and my horses is ludicrous."

There are many alternatives to the leghold trap in discouraging wild animals from feeding on human agricultural products. These alternatives are generally of the types that either prevent offending animals from causing damage, or by inducing them to alternative regions or diets. Scientific literature has a great bounty of articles detailing myriad techniques which can be used for almost every common wild animal in North America.

Trapping interests cite the muskrat, a vole, as an animal which must be trapped to be "controlled." There is talk of "billions of dollars of damage" to dikes, dams, canals. The evidence against this claim is overwhelming. Sydney Anderson, Curator of Mammals, MNH:

> Muskrat populations are commonly several times greater in the fall as in the spring, and these changes, including the decline from fall to spring, will occur in the complete absence of trapping. Clearly, trapping is not the only thing standing between us and wall-to-wall muskrats.

Several cities have banned muskrat trapping spedifically (and successfully), including Madison and Bloomington, Wisconsin. These bans occurred in areas where muskrat populations are abundant and prolific. The bans were enacted many years ago; Bloomington and Madison are still there.

Dr. Paul Errington, respected zoologist and widely recognized as one of the world's leading authorities on muskrats:

> Muskrats are a prolific species, and neither disease nor natural predation nor trapping will effectively lower their numbers. They simply reproduce faster when more are killed.

According to Robert Waligora, muskrat expert of Fur and Trapping

Ethics of Minnesota:

> Muskrats are extemely prolific...muskrats are self-limiting. If conditions are favorable, they will reproduce as much as four times a year. Trapping does not effect the numbers. In one pond where there were a couple of thousand muskrats, they trapped 500. This had no effect on the disease or population level.

Discouraging wild animals from invading planted fields may be done in many ways. Drift fences associated with box traps can be effective. So can low-voltage electrical wire. In Israel, where there is no hunting or trapping, and agricultural land and productivity is at a very high premium, farmers have been very effective in protecting crops without harming wild animals. It all focuses on matters of vigilance and housekeeping.

The ancient custom of tithing has been effective for centuries in protecting crops. Through this technique, small parcels of land are dedicated to wildlife. The wild animals are protected on the tithed land and build stable, density-dependent populations that act as buffers against incoming wildlife that may attack the crops.

There is a possibility that trapping may actually increase crop damage. While trapping doesn't necessarily change the numbers of wildlife populations in an area, it does lower the average age. Youthful animals of any species are usually more active, more curious, and less careful. They are also growing. Increased activity, plus growth, usually increases the need for food. It should also be remembered that a population with a high mortality rate will also have a high number of replacement infants, and this means a high number of pregnant and nursing females, who also have unusually high food demands.

8. GOVERNMENT - State and Federal bureaucracies are among the major forces fighting to retain the leghold trap in the United States. The major reason why these bureaucracies are fighting the ban is because many bureaucratic positions and budgets are financially dependent upon trapping.

At the state level, specifically, salaries of fish and game commission bureaucrats are largely paid by hunting and trapping license fees. The more trappers in a state, the more license fees available for the fish and game commission's budget. Consequently, there is reason for these state commissions to encourage increased exploitation of wildlife. Their financial interests coincide with those of the trappers.

It has already been noted that the Federal Government is the United States' principal trapper. The Department of the Interior's Animal Damage Control program alone employs 465 District Field Assistants, all of whom are salaried trappers on the public payroll at a cost of between $2.7 million and $5.4 million annually. Add to this the costs of purchasing and maintaining about 50,000 leghold traps, paying supervisory personnel and purchasing all the ancillary equipment, transportation and expenses, and there is indeed a substantial drain on the public treasury.

This program has been roundly criticized on many occasions as being ineffective, costly and cruel.

There is also concern that it is counterproductive. For example, in baiting traps with carrion, the traps eliminate coyotes that feed on carrion, thereby "selecting" for the coyotes that prefer live prey. There are many other problems with the coyote control program, but this is not the forum for dwelling upon them. Suffice it to note that the federal bureaucracy's testimonies on behalf of the leghold trap must be honestly viewed, in part, as an exercise in job protection.

Interior also publishes, at taxpayer expense, a pamphlet called "Trapping Tips" which is aimed at school children. "Trapping," it says "of furbearing animals for wholesome outdoor recreation and a source of additional income for farm youngsters has been popular since the founding of our country." Having equated the inhumane slaughter of animals with the Declaration of Independence, the pamphlet goes on to praise leghold traps as "useful weapons".

Moreover, the U.S. Department of the Interior makes a point of ignoring the opinions of some of its trappers.

According to Dick Randall, former acting district supervisor, U.S. Fish and Wildlife Service:

> Even though I was an experienced, professional trapper, my trap victims included non-target species such as the bald and golden eagles, a variety of hawks and other birds, rabbits, sage grouse, pet dogs, deer, antelope, porupines, sheep and calves.
>
> The leghold trap is inherently non-selective. It is probably the most cruel device ever invented by man. My trapping records show that for each target animal I trapped, about 2 unwanted individuals were caught. Because of trap injuries, these non-target species had to be destroyed.

The U.S. Fish and Wildlife Service declares that these non-target ratios are "wrong," and that the ability of the trapper, not the leghold trap, will affect the animals' suffering and the non-target ratio. With its expert government trappers, the Service implies, there is neither acute suffering nor waste of life.

Mr. Randall was a government trapper for ten years. The rating bestowed on him by the U.S. Fish and Wildlife Service: Excellent.

Similarly, the Service regularly sends out press releases which cite steel traps as a threat to the bald eagle.

The leghold trap, rubber-lipped or unmodified, is a dangerous device incapable of exercising judgement and which inflicts untenable suffering on both "target" and "non-target" trap victims. It is essential to ban this anachronistic device of torture throughout the United States. No exemptions for any use should be made, for alternatives are available in all instances.

In light of the suffering furbearers endure - in light of the arsenal of traps and weapons used against these animals - the request to ban the leghold trap is a modest one. No trapping is humane. No matter what trap used, pelts from wild furbearers do not emerge from thin air. The process in which a live animal evolves into a fur garment entails pain and violence for that animal. Since it is evident that there is no need whatsoever for any kind of commercial trapping; that there are in fact no environmental justifications for it, and since it has been proved that the carnage of the wild fur trade is of massive scope, a ban on all commercial trapping should be considered.

The barbarism with government imprimatur must stop. The mutually beneficial relationship between furriers and state fish and game managers must stop. That a device which poses such a threat to our wildlife, pets, and even people is tolerated to satisfy the recreational pursuits and greed of so few calls for immediate rectification. We now urge the Congress to respond with speedy passage of HR 1797. It is the very least of what has to be done, and it is long overdue.

Statement of John Kirsch, Ph.D.
Associate Curator of Mammalogy
Museum of Comparative Zoology
Harvard University

submitted to

The Commerce and Industry Committee
of the New Jersey Assembly
***
The Energy and Environment Committee
of the New Jersey Senate
1983

Friends of Animals has asked me to speak, as a professional mammalogist, to three questions: First, do animals feel pain? Second: Is trapping necessary to control animal populations? And third: Must we trap mammals to prevent the spread of disease? I think we are in danger of confusing the issue of whether trapping should be permitted with how it may be carried out, and I would be dishonest if I did not say that there are persuasive scientific, economic and even conservationist reasons in favor of trapping. My personal concern is rather with the manner in which it is done. Nevertheless, the two issues are related, as I shall indicate.

On the question of whether animals feel pain, *of course* they do: Any animal that did not would not live very long, would be unlikely to leave offspring, and would therefore be most unfit! Moreover, the nervous structures for sensing and responding to pain in other animals are very similar to our own. But, it may be argued, responding to pain and being aware of it are two different things. Are animals *aware*? That is the crucial question when it comes to deciding if we should allow certain kinds of experiments or traps. Of course it is not even easy to be sure that another *person* is aware, but we believe so because he or she tells us about it; now that we have begun to teach chimpanzees and gorillas to use human language, they too are telling us how they feel - even *lying* to escape punishment for wrongdoing - and it is difficult to maintain any longer that awareness is a special characteristic of human beings. Again, given the very similar biological structure and functioning of all mammals, it would be astonishing if other species were also not aware. Thus, I see no reason to doubt that animals are every bit as capable of feeling pain, and of suffering, as are human beings. Therefore, in my opinion, we would need the strongest possible justification for inflicting pain on them.

And this is the connection to the second question: Is trapping necessary to control populations? It is often argued that trapping is required to prevent the continued increase in animal numbers, with the attendant economic and other threats to ourselves; and hence that any means justifies this end - including the use of an unquestionably painful, if efficient, trap like the leghold. I would have to argue that *trapping is ineffective in controlling natural populations, because typically wild animal populations are effectively regulated by natural factors, including* their own density, and do not go on increasing forever. Beginning from a few individuals, those populations may grow only very slowly for a time, but past a critical number begin to increase very rapidly. They do this for several reasons, some biological and some simply mathematical: It is a bit like a compound interest situation where you are being paid several hundred percent a year. Inevitably, the fast rate of increase ceases, and the population reaches a fairly stable number, most obviously because food and shelter are limited, but also because the bigger a population the more liable are its members to predators. Again, this is a general pattern and there are exceptions: Bigger animals seem able to maintain a stable population size, but populations of little mammals such as meadow mice and lemmings are notorious for overshooting the mark every few years and then descending to quite low levels. But these populations recover quite swiftly, and they do so because when they are reduced in numbers the mechanisms for rapid increase take over again. It is clear that reducing a population by trapping just forces it back into the fast-growth phase.

The resilience of wild populations makes it very difficult to argue for a total ban on trapping, but it also means that it is nearly impossible to depress permanently a population by means of trapping. Nothing short of pushing the population down to the brink of extinction, or extensive habitat destruction, will achieve that end - and I hope no one is arguing in favor of those alternatives today. Once again, trapping does not control populations. Thus, we can't justify using the leghold trap because it won't do the job any more than will another sort of trap.

Characteristics of population growth also affect the transmission of diseases. If by trapping we reduce populations to the size where they will grow quickly then a lot of immature and presumably susceptible animals will enter the population each year. This would increase the likelihood of transmission by youngsters that have not had a chance to become immune. Extensive trapping may therefore aggravate rather than alleviate the spread of disease.

In conclusion, populations usually are naturally regulated and do not go on increasing forever. Normally trapping will not provide permanent control of numbers, or even put a brake on the spread of disease. In the face of these conclusions, and knowing that animals are capable of suffering, we are scarcely justified in continuing to use a method of trapping that undoubtedly inflicts considerable pain.

APPENDIX D

lantbruksstyrelsen

The National Board of Agriculture
Head of division, R Helén, IP

1979-05-15 [illegible]

Friends of animals, inc
att: Vice President Bill Clark
11 West 60th Street
New York, N.Y 10023
U.S.A.

Dear Mr Clark:

Referring to your letter of April 19, 1979 where you ask about the statements that resulted in the ban of using leghold traps in Sweden and our experiences of this ban.

Question A.
The ban is based on animal protection reasons. Research made in Sweden about leghold traps, and then especially on foxes, showed a large incidence of loss on animals captured.

In a material consisting of 645 foxes, caught in leghold traps, almost all of them had serious dental- and jaw injuries. Of 514 serious injured foxes 135 had gnawed down 1 tooth, 87 2 teeth, 43 more than 10 teeth, 3 16 teeth, 1 17 teeth, 4 18 teeth. In addition to this moderate injuries have been found that, however, can turn out to be so serious that the mucous membrane of the jaws have been injured. The judgement shall also include injuries such as fractures on legs and paws.

Other arguments can be stated against leghold traps with regard to animal protection. Thus an animal captured in a leghold trap might be.caused considerable mental suffering.

Question B.
The government authorities might permit the use of leghold traps by combating an outbreak of episooties such as rabies and fox scabies and other contagious diseases.

Yours sincerley,

Rolf Helén
Head of division

6

APPENDIX E

DEPARTMENT OF FISHERIES AND
FORESTRY

22 UPPER MERRION ST., DUBLIN 2

AN ROINN IASCAIGH AGUS
FOHAOISEACHTA

22 SRAID MHUIRFEAN UACHT.

BAILE ÁTHA CLIATH 2

Telephone 789211
(Address any reply to the Secretary
and quote the following number):-

No. ....)

[illegible] December 1979

Mr Bill Clarke
Vice President
Friends of Animals Inc
11 West 60th Street
New York
N Y 10023
U S A

Dear Sir

I am directed by the Minister for Fisheries and Forestry to refer to your recent letter regarding the leghold or gin trap.

Gin traps have been banned in Ireland since 1968. A copy of the most recent regulations is enclosed for your information. The traps were banned mainly because of the cruelty aspect involved. The traps caught animals by the legs and did not immediately kill them. The animals, therefore, suffered for a prolonged period before dying. Sometimes an animal in its effort to escape would lose a leg before escaping. It was also felt that the traps were indiscriminate and that many beneficial animals (i.e. those for whom the traps were not intended) could be caught.

No particular problems (human, biological or economic) have been experienced to date. We are, to date, not led to believe that it has had any benefit on the natural ecosystem in Ireland.

Violation of the ban does occur, mainly because at present we are unable to vigilently enforce it due to lack of manpower. The appointment of new wildlife rangers will probably reduce any violations. There is no widespread sale of gin traps at present, and it must be remembered that the problem is a diminishing one since the traps that are in use are old and are likely to become inoperative in future.

Yours sincerely

APPENDIX F

EIDGENÖSSISCHES VETERINÄRAMT
OFFICE VÉTÉRINAIRE FÉDÉRAL
UFFICIO VETERINARIO FEDERALE

Friends of Animals, Inc.
11 West 60th Street

New York, N.Y. 10023

U.S.A.

Ihre Zeichen V. réf. - V. rif.	Ihre Nachricht vom V. corresp. du - V. corresp. del	Unsere Zeichen N. réf. - N. rif.	3000 BERN 6, Thunstrasse 17 (031) 61 [illegible]
		Do/mm/800.3	April 25, 1979

Betrifft
Concerne **Use of leghold traps in Switzerland**

Dear Sirs

1. Referring to your letter dated April 19, 1979 we inform you that the Swiss Hunting Law of June 10, 1925, as amended on March 23, 1962 prohibits the use of leghold traps.

   Previously, the use of leghold traps was subject to special licensing, whereby some Cantons gave such licences quite freely to any applicant, who was a holder of a normal hunting licence.

   The interdiction of the use (and the importation!) of leghold traps was justified by a statement of the Federal Council in his Message to the Parliament, dated September 12, 1961, that such traps were considered inhumane.

   Actually, a new hunting law is under preparation and will - hopefully - undergo the public hearings by the end of the year. This law will probably be even more restrictive, by prohibiting the use of any trap, except box traps.

2. Even without leghold traps, we do not observe an over-population of wild carnivores and other smaller mammals, except perhaps in foxes where the population was extremely dense before Switzerland was affected by rabies.

Rabies control is done by shooting and trapping (other than leghold traps) and in previous years by gassing the burrows, a method which now has been abandoned.

3. The annual take of what you would call target-species was as follows for the hunting years 1976 and 1977 (includes shooting and trapping):

Species	1976	1977	
Castor fiber	totally protected		
Lepus europaeus	17'657	16'454	
Lepus timidus	2'900	2'607	
Oryctolagus cuniculus	572	307	
Lutra lutra	totally protected		
Felis lynx	totally protected		(1975: 1 illegally killed)
Felis silvestris	totally protected		
Canis lupus	0	0	(1978: 1 shot)
Vulpes vulpes	22'963	19'377	
Meles meles	1'496	1'318	
Martes martes	334	298	
Martes foina	1'838	2'339	
Mustela putorius	6	10	
Mustela erminea, Mustela nivalis	333	360	
Data from Canton Berne only (ca. 6800 sq.km):			
Sciurus vulgaris		3'409	
Feral cat		1'445	

Yours sincerely,

Federal Veterinary Office
[illegible]
animals and animal products

Peter Dollinger

(Dr. Dollinger)

Copy for information to:

Bundesamt für Forstwesen,
Sektion Jagd und Wildforschung

APPENDIX G

SERVIÇO PÚBLICO FEDERAL

C/Nº 176/79-DN

Brasília, 12 de novembro de 1979

Dr. Bill Clark
Vice-President, Friends of Animals, inc.
11 West 60th Srteet
New York, N.Y. 10023

Dear dr. Clark

Concerning your inquiry on the leghold trap our laws does not specify its ban.

Otherwise it says that it is forbiden to hunt, catch or harvest wildlife with traps that may maltreat the animals. By this reason this kind of trap is banned. We did not have any problem with this and other banishments and no economic consequences. In other hand there is for sure people violating the ban, as always.

Hoping this will be helpful to you, I remain.

Sincerely yours

Renato Petry Leal

RENATO PETRY LEAL
Diretor da Divisão de Prot.
à Natureza - IBDF

SERVICIO AGRICOLA Y GANADERO
GERENCIA GENERAL

División de Protección de los
Recursos Naturales Renovables

SANTIAGO, [illegible] 7089

Señor
Bill Clark
Vice - Presidente
Friends of Animals Inc.
11 West 60 th Street
New York, N.Y. 10023
U.S.A.

De mi consideración :

Me es grato acusar recibo de su carta de fecha 5 de octubre de 1979, por medio de la cual solicita información sobre la prohibición del uso de la trampa de copo o trampa de platillo y su efecto sobre la población humana y la fauna silvestre.

Accediendo a lo solicitado por Ud. me permito informarle lo siguiente, siguiendo la pauta por Ud. señalada :

1. La prohibición de la fabricación, comercialización, tenencia, posesión, transporte y empleo de esta trampa data de enero de 1970, fecha en que se promulgó el Decreto Supremo N° 53 que, entre otras materias, establecía esta medida.

   Para establecer dicha prohibición se tomaron en consideración aspectos tan diversos como el daño que este tipo de trampas puede ocasionar al ganado y a los animales silves-

RKN/pla.

DISTRIBUCION
A : Sr. Bill Clark
Gerencia General del SAG.
DIPROREN - SAG.
Oficina de Partes
Archivo.

tres en general, e incluso al hombre; el hecho de no ser un instrumento selectivo de captura y los efectos traumatizantes que produce en el animal que cae en este tipo de trampas cuyo empleo se califica como inhumano.

2. Su prohibición no ha incidido en la aparición o el incremento de problemas relacionados con salud humana o ambiental, sanidad vegetal, sobrepoblación de fauna silvestre u otros no citados anteriormente.

3. No es posible señalar que esta prohibición ha traído consigo consecuencias económicas serias ya que los animales de importancia económica - conejos, liebres, zorros y coipos principalmente - siguen cazándose con otros métodos legalmente permitidos.

4. La violación de esta disposición legal es posible y ello acontece con mayor frecuencia en el sur del país o en otros sectores que por su aislamiento o sus condiciones topográficas especiales, dificultan la acción fiscalizadora que nos corresponde. El fuerte incremento del monto de las sanciones pecuniarias establecidas para sancionar infracciones a la Ley de Caza debería contribuir a evitar este tipo de faltas.

5. Pensamos que la prohibición del uso de la trampa de cepo contribuye indudablemente al equilibrio ecológico, pues en sectores donde se ha cazado zorros indiscriminadamente, se ha notado un incremento manifiesto de conejos, liebres, ratones y otros animales dañinos a la agricultura.

Esperando que esta información haya sido de utilidad para Ud.

Lo saluda atentamente

SERVICIO AGRICOLA Y GANADERO
GERENTE GENERAL

JAIME DE LA SOTTA BENAVENTE
Ingeniero Agrónomo
Gerente General

[illegible]

AGRICULTURAL [illegible] AND LIVESTOCK MANAGEMENT
GENERAL OFFICE

[illegible]
? November 1970

Division of Protection of Natural Resources

Dear Sir,

It gives me great pleasure to acknowledge receipt of your letter of October 5, 1970 asking for information concerning the prohibition of the use of the leg traps or platform traps and it's effect on people in general and animal life.

In accordance with your request, I offer the following information which should be useful as guidelines for your purposes.

1. The prohibition of the manufacture, selling, holding, possessing, transporting and employment of these traps was established by Supreme Decree #55 and other material pertaining to the prohibition. This regulation was promulgated in January, 1970.

   In setting forth the law of prohibition, the law took into consideration many diverse aspects, such as the danger that this type of trap could bring to the life of cattle (livestock), to wild animals in general and even to the life of man himself; the fact that the trap is not an instrument of selective capture and the traumatic effects that it produces in the animal that is captured causes this trap to be classified as inhumane.

2. It's prohibition has not had a bearing on the appearence or increase of associated problems of humane health, environmental conditions, vegetal life or population of wild animals and other animals not previously mentioned.

3. One cannot say that this prohibition has led to adverse economic consequences now that the animals of economic importance are captured by other legally permitted means.

4. The violation of this law is possible and it occurs with great frequency in the southern section of the country or in other sections because of their geographical isolation or special topographic conditions make it difficult to supervise the enforcement of the law. The effect of the increase of the monetary sanctions for violations of the law should contribute to the lessening of these violations.

5. We think that the prohibition of the use of the traps will undoubtedly contribute to an ecological equilibrium becuase in the sections where it was used indiscriminately to capture fox, there was a noticeable increase in rabbits, hare, rats and other animals harmful to agriculture.

Hoping that this information has been useful to you,

Sincerely,

(SIGNED)

Jaime de la Sotta Benavente
Agricultural Engineer

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APPENDIX I

MEZŐGAZDASÁGI ÉS ÉLELMEZÉSÜGYI
MINISZTÉRIUM
Vadászati és Halászati Főosztály

Budapest, October 22. 1977.

53744/77

Mr. Bill Clark

Vice President of Friends of Animals

11 West 60th Street, New York
N.Y.100023

Dear Sir,

In connection with your letter dealing with the ban of the steel jaw leghold trap, my answer is following:

1. We banned the leghold trap from reasons of natural conservation, since the most species of fur-bearing wild animals are protected.

2.-3. Since introducing the protection we does not have any serious problems.

4. There is nothing problem with violation of the law.

5. The ban did not result any harm for the natural ecosystem of our country.

We are greeting the intention of the United States Congress to ban the use of the steel jaw leghold trap.

Yours Sincerely

Dr.S. Tóth
Leader of the Department for Hunting
and Fishing

APPENDIX J

BY AIR MAIL

M.D. Jayal,
Jt. Secretary (F&WL)

भारत सरकार
कृषि तथा सिंचाई मंत्रालय
(कृषि विभाग)
GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE & IRRIGATION
(DEPARTMENT OF AGRICULTURE)
New Delhi- 110 001

D.O. No. 1-2/79-FRY(WL)

May 26, 1979

Dear Mr. Clark.

Thank you for your letter of April 30, 1979 and for the copy of your wildlife poster which I thought was very good.

2. You have asked about our legislation on the use of steel leghold traps in our country. Although our Central Wildlife (Protection) Act of 1972, which has been adopted by almost all the states in the country, does not specifically ban the use of any particular type of traps, I am informed by the Chief Wildlife Wardens of various states that, under their rules framed under the Act, trapping of all mammalian species is prohibited. Trapping of birds only is permissible with the use of nets. By and large, therefore, trapping of animals is neither allowed nor is it practised. Stray cases of illegal use of steel leghold traps have been dectected in the State of Uttar Pradesh where vigrous steps have been taken to apprehend poachers using such traps. Such stray cases, notwithstanding, the problem of trapping of animals is well under control.

3. I fully share your view that the steel leghold trap is an extremely cruel method of trapping animals and deserves to be banned in your country.

With regards,

Yours sincerely,

(M.D. Jayal)

Mr. Bill Clark,
Vice President,
Friends of animals, inc.
11 West 60th Street,
New York, N.Y. 10023
(U.S.A.)

APPENDIX

MINISTRY OF MINING
NATURAL RESOURCE CONSERVATION DEPARTMENT
P.O. BOX [illegible]
KINGSTON 10
JAMAICA

Please Quote
Reference No. 6/1/0

December 19, 1979

Mr. Bill Clark,
Friends of Animals, Inc.,
11 West 60th Street,
New York,
N.Y. 10023,
USA

Dear Mr. Clark,

Thank you for your letter concerning the proposed U.S legislation to ban the use of steel leg jaw traps.

Jamaica has no furbearing animals and leg traps are consequently not in commercial use here, nor are they likely to be. Thus it is not necessary to ban their use.

However, the N.R.C.D supports your position and hopes your campaign will be successful.

Yours sincerely,

Ann Haynes (Miss)
for Actg. Principal Director

AH/kw

APPENDIX L

Wildlife Conservation Department,
C/O President's Office,
Abuko Nature Reserve.
31/10/79

Bill Clark Esq.,
President

Dear Mr Clark,

Thank you for your letter of the 5th inst - the delay in replying is regretted but was unavoidable.

Steel-jaw traps have been illegal since 1966 and may well have been illegal even before that - I am unable to confirm at time of writing and do not wish to delay replying further.

Chapter 194 of the Wild Animals, Birds, and Fish Preservation Act has Wild Animal, Birds and Fish Preservation Regulations Section 23 thereof reads, - I quote:- "No person shall use any pit, enclosure, gin, trap, snare, set-gun, or missile containing explosive, for the purpose of hunting or capturing any animal". Section 20 prohibits the use of Fire, 21 the use of poison or explosives for catching fish and 22 the use of any flare poison or poisoned weapons.

In over 21 years I have only encountered two jaw traps in use and when a consignment arrived in The Gambia in the early 60's the Customs Officers had them taken out to sea and dumped!

Since the use of Jaw traps has been banned I am not aware of any serious Animals, Human Health or Agricultural problems - or indeed any problems directly attributed to the banning of jaw-traps - As far as I have been able to ascertain they have never been widely used here - and it is refreshing to learn from almost every person, I have spoken to in rural districts - that such traps are considered excessively cruel - so much for the insensitivity of the "progressive" Western World!

The knowledge that wildlife and nature generally is being adversely affected by habitat destruction seems to have somewhat tempered the publics general attitude towards the balance of wildlife and nature remaining and there is a marked interest in conservation being shown at all levels here in The Gambia.

This is not to say that everybody wears a halo and that nobody shoots - but there is a growing awareness of the need for strong measures and a general acceptance of them when implemented.

The brochure which you enclosed has been read with growing concern (and dismay that there are still specimens of Homo sapiens whom despite all the advantages of a progressive civilisation still consider the use of such barbourous traps to be a form of ("sport").

How in Heavens name does any politician or policy maker have the sheer effrontery to condemn human rights and injustice when such barberous cruelty is not only allowed but actively encouraged by your Government - is the lesson never to be learned?

All Gambians to whom I have shown "A time to choose" are thoroughly sickened by its contents and the double standards, as they see it, of the American Department responsible.

I wish you and your society every possible success - Is it any wonder that the world is becoming so increasingly agressive and vicious when Governments actively encourage indifference to acute suffering by continuing to support jaw-traps - Were I to be granted one wish in my lifetime - it would be that the manufacturers and users of these gruesome devices might be held by one of them all through a cold wet night - (or days and nights) before death and the merciful relief that it brings would arrive - possibly they might then really appreciate just how inhummane they really are!

....E. Brewer....
EDDIE BREWER
(DIRECTOR).

Bill Clark Esq
Friends of Animals Inc
11 West 60th Street
New York
NY 10023.
U.S.A.

APPENDIX M

Ministry of the Environment
National Agency for the Protection of Nature, Monuments and Sites
Ministère de l'Environnement
Direction Générale de la Protection de la Nature, des Monuments et des Sites
Ministerium für Umweltschutz
Generaldirektorat für Natur- und Denkmalschutz
Fredningsstyrelsen · Amaliegade 13 · DK-1256 København K · Danmark · Tel (+45 1) 11 85 65

Den 3. maj 1979
J.nr. I. 884420-7 BS/vu

Vice President Bill Clark
Friends of the Animals inc.
11 West 60th Street
New York N.Y. 10023
USA.

Dear Bill Clark,

With the revision of the Danish legislation on hunting in 1967 the use of leghold traps was banned in Denmark. The reason was the non-selectiveness of these as well as a general development that animals have to be killed with least possible cruelty and further when live-catch traps are used it is decided that it should be ensured that no harm occur to the animals trapped. Actually like elsewhere in Europe leghold traps were never really used as a catching method for fur-animals but rather they were used to protect certain interests. Therefore already in the Danish hunting legislation from 1931 you will find that leghold traps can only be placed to catch Lutra lutra at rivers and lakes (the fishermen considered big populations of Lutra lutra to be a threath to the fishpopulations) and in farmhouses or close to such for trapping species belonging to Mustelidae which were considered a threath to hens and the like. Following this the total number of catches per year with leghold traps newer was of importance and since abandoning the method it has also not been possible to trace any changes/increase in population of the species concerned.

I hope this scarce information will be of some use for the work of FOA.

Regards,

Birgith Sloth
Birgith Sloth.

APPENDIX N

רשות שמורות הטבע תל־אביב, הנצי״ב 16 פינת מסילת החשמונאים
טל. 330641-2-3

Mr Bill Clark
Vice President
Friends of Animals Inc
11 West 60th Street
New York NY 10023
U S A

21 October [illegible]

Dear Bill Clark

This is in response to your letter of 5 October.

1 The law in Israel sets down in which manner the animals may be caught. It does not mention the leghold trap. Those who originally formulated the law, i.e. the British Mandatory Power, apparently considered the leghold trap unsuitable for catching animals. Any such trap found in Israel is confiscated by us. (Leghold traps are being used here unusually only by poachers).

2 We have not had any problems since the Nature Reserves Authority assumed responsibility for enforcement of the law.

3 The answer is no.

4 There are no serious problems concerning violation of the ban. From time to time we find physical evidence of a trap being used, mainly by primitive people, and those caught are dealt with very sternly. At this point I should add that we frequently check up on metal workshops and factories, confiscating any leghold traps we find there.

5 There is no doubt that the ban of the leghold trap has had a beneficial effect on human society and mainly on natural ecosystems in our country.

If you are interested, we can elaborate on the subject when we meet in New York at the end of the month.

Sincerely yours

A. Yoffe

Avraham Yoffe
General (Res)
Chairman

AY:[illegible]

NATURE RESERVES AUTHORITY, 16 HANATZIV ST., TEL-AVIV, ISRAEL. TEL. 330641-2-3

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APPENDIX O

All replies may be addressed to
Director of Agriculture and Fisheries

HONG KONG GOVERNMENT
AGRICULTURE AND FISHERIES
DEPARTMENT

Canton Road Government Offices
393 Canton Road
12th floor
Kowloon, Hong Kong
Cable Address: [illegible]
Tel. No.: [illegible]

Our Ref.: (2) in 2/520 II

16th October 1979

Dear Mr. Clark,

Leghold Trap

Thank you for your letter of October 5, 1979.

Leghold trap had been banned locally for nearly three decades mainly for conservation of diminishing wildlife. There has been no problem concerning violation of the ban as the use of the trap is limited to a few people in remote villages.

I hope the above information may be of some assistance to you.

Yours sincerely,

(K.C. Iu)
for Director of Agriculture & Fisheries

Bill Clark, Esq.,
Vice President,
Friends of Animals, Inc.,
11 West 60th Street,
New York,
N.Y. 10023,
U.S.A.

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APPENDIX P

HELLENIC REPUBLIC
MINISTRY OF AGRICULTURE
DIRECTORATE GENERAL OF FORESTS

3-5 [illegible] STREET
ATHENS [illegible] GREECE

22nd January, 1980.

Friends of Animals, Inc
11 West 60th Street
New York, N.Y. 10023

Dear Colleagues,

Answering to your letter of 9th January 1980 we inform you that our Country has banned the use of leg-hold traps for all species of animals for humanity reasons..

Also we have no experienced any changes related to the ban for the cases you mentioned in your letter.

Sincerely yours

Evangelos Papaevangelou (mr)
(Head of the Game Management Department)

APPENDIX Q

Ministry of Agriculture, Fisheries and Food
Great Westminster House Horseferry Road London SW1P 2AE

Telex 21271
Direct line 01-216 or
Switchboard 01-216 6311

Your reference

B Clark Esq
Friends of Animals, Inc
11 West 60th Street
New York
NY 10023
U.S.A

Our reference
DX 553
Date
[illegible] May 1979

Dear Mr Clark

GIN OR LEGHOLD TRAP

Your letter of 19 April to Dr J C Goldsmith, concerning the abolition of the gin or leghold trap in Britain has been passed to me for reply.

Animal welfare societies in Britain campaigned against the gin trap for some 30 years and the abolition of all spring traps other than approved traps became law after 31 July 1958 as the result of legislation in the Pests Act 1954. The 3 gin was retained in Scotland for use against foxes and otters until 1973 when it was completely abolished.

From that date all spring traps that received approval could be used only against certain species, in an approved manner and capable of approximately 85% immediate kills to captures. All traps designed to hold an animal by a limb were prohibited on grounds of humanity. There are now seven approved traps for taking certain mammals.*

All spring traps were made illegal for trapping birds under the Protection of Birds Act 1954.

In general, cage traps are not as efficient as spring traps for many animals. It is our experience that cage traps will only reduce populations to certain levels. Thereafter additional animals may be caught using well camouflaged spring traps.

Our trapping is usually aimed at the prevention of damage. In this country trapping for pelts or the prevention of disease is very limited. Fortunately we are still free from rabies, although it is present on much of the European Continent.

It is probable that general legislation and increasing areas of land set aside as reserves has had more to do with the protection of bird species than the specific prohibition of spring traps.

Of our mammals, only the otter could be considered "endangered". There are many reasons put forward for the scarcity of otters - hunting, loss of habitat, etc, but we do not consider trapping to be more than a very small contributing factor.

We do not consider that the abolition of the gin and other spring traps has greatly effected animal populations, except perhaps in its pole trap form, which was responsible for taking many raptors - especially sparrowhawks - on keepered land. Its abolition has however, considerably reduced injury and suffering.

Yours sincerely

Keith Millar.

K Millar
Infestation Control Branch.

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DER BUNDESMINISTER FÜR ERNÄHRUNG, LANDWIRTSCHAFT UND FORSTEN

APPENDIX K

Friends of animals, inc.
11 West 60th Street

New York, N.Y.

Luftpost

613 - 7200 735 03.12.1979

Bundesjagdgesetz;
hier: Verbot der Fallenjagd
Ihr Schreiben vom 05.10.1979
Anlage: - 1 -

Sehr geehrter Herr Clark!

Für Ihr o.g. Schreiben danke ich Ihnen sehr und übersende Ihnen / als Anlage das Bundesjagdgesetz in der ab 01.04.1977 geltenden Fassung in englischer Sprache.

Zum Problem der Fallenjagd darf ich Ihnen mitteilen, daß es nach § 19 Abs. 1 Nr. 9 Bundesjagdgesetz verboten ist, Fanggeräte, die nicht unversehrt fangen oder nicht sofort töten, zu verwenden. Nr. 9 ist durch die Novelle 1961 an die Stelle der ursprünglichen Nr. 9 ("Tellereisen jeder Art, in denen sich das Wild fangen kann, aufzustellen; das gilt nicht für das Aufstellen von Tellereisen in Gebäuden oder in Hofräumen und Hausgärten, die an einer Behausung angrenzen und durch eine Umfriedung begrenzt sind, oder auf Flächen, die sonst vollständig abgeschlossen sind"), Nr. 10 ("Fangeisen oder Selbstschüsse zu verwenden, die auf Pfählen, Bäumen, anderen aufragenden Gegenständen oder Bodenerhebungen

...

angebracht sind; dies gilt nicht für das Fangen auf landwirtschaftlich genutzten Anlagen.") und Nr. 13 ("Vogelfanggeräte herzustellen, feilzubieten oder zu verwenden, das die Vögel weder unversehrt fängt noch sofort tötet") getreten. Durch die neugefaßte Nr. 9 sind die bis dahin nach Nr. 9 und 10 a der früheren Fassung bestehenden Ausnahmen von dem Verbot der Verwendung von Geräten, die das Wild nicht unversehrt fangen oder sofort töten, zur Verhütung von Tierquälerei beseitigt.

Das Landesrecht geht zum Teil in der Beschränkung der Verwendung von Fanggeräten gegenüber § 19 Abs. Nr. 9 hinaus. Nach dieser Information über die Rechtslage darf ich zu Ihren Fragen wie folgt Stellung nehmen:

Zu 1:

Durch die neugefaßte Nr. 9 des § 10 Abs. 1 Bundesjagdgesetz auf Grund der Novelle sind die bis dahin nach Nr. 9 und 10 a ff bestehenden Ausnahmen von dem Verbot der Verwendung von Geräten, die das Wild nicht unversehrt fangen oder nicht sofort töten, zur Verhütung von Tierquälerei beseitigt worden.

Zu 2:

Seit dem Verbot des Tellereisens sind mir keine ernsten Probleme bekannt, die

a) die Tiere oder die menschliche Gesundheit,
b) die Landwirtschaft
c) die Wildüberpopulation oder
d) irgendwelche andere Bereiche betreffen und

die direkt in Verbindung mit dem Verbot des Tellereisens stehen könnten.

Zu 3:

Ernste wirtschaftliche Konsequenzen durch das Verbot des Tellereisens sind nicht bekanntgeworden.

Zu 4:

Ernsthafte Probleme, die die Verletzung dieses Verbotes betreffen, sind nicht bekanntgeworden.

Zu 5:

Die Erfahrung mit dem Verbot des Tellereisens hat gezeigt, daß die früher dadurch nicht vermeidbare Tierquälerei inzwischen beseitigt worden ist. Insofern kann von einer günstigen Auswirkung auf das natürliche Ökosystem gesprochen werden.

Ich hoffe, daß diese Informationen für Sie nützlich sind.

Mit freundlichen Grüßen
Im Auftrag

Dr. Schmelz

TRANSLATION FROM GERMAN

THE FEDERAL MINISTER FOR FOOD, AGRICULTURE AND FORESTRY

The Federal Minister for Food,
Agriculture and Forestry
P.O. Box 1[illegible] 70, 5300 Bonn 1

Friends of animals, Inc.
11 West 60th Street

Air Mail

New York, N.Y.

Your letter of:	My reference (please give when answering)	Direct telephone no.	Date
	613 - 7200	(0 22 21) 75-735	12/03/1979

Re:

Federal Act on Hunting;
Here: Prohibition on Trapping

Your communication of 10/05/1979

Enclosure: - 1 -

Dear Mr. Clark:

Thank you very much for your letter referred to above. I am sending you enclosed a copy in English of the Federal Act on Hunting in the version valid as of 4/1/1977.

Regarding the problem of trapping I must inform you that the use of traps which do not kill the animal immediately or which do not leave it unharmed is prohibited according to Art. 19, para. 1, No. 9 of the Federal Act on Hunting. By

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means of the 1961 amendment, No. 9 has replaced the original No. 9 ("Setting leghold traps of all types in which the game may be caught; this is not applicable to the setting of leghold traps in buildings, in courtyards or in gardens which adjoin a dwelling and are enclosed by a fence or in areas which are completely enclosed"), No. 10 ("The use of steel traps or spring-guns which are attached to stakes, trees, other objects which jut up or to elevations in the ground; this does not apply to trapping on ground used for agriculture.") and No. 13 ("Setting, selling or using bird-traps which neither kill the birds immediately nor leave them unharmed"). The exceptions to the prohibition on the use of traps which neither immediately kill the game nor leave it unharmed, which previously existed under No. 9 and No. 10 a of the earlier version of the Act, have now been eliminated by the new version of No. 9 in order to prevent cruelty to animals.

Some of the laws of the "Länder" [States] go beyond Art. [illegible] para. 1 No. 9, in restricting the use of traps. Having given you this information on the legal position, I can answer your questions as follows:

No. 1:

The exceptions to the prohibition on the use of traps which neither immediately kill the game nor leave it unharmed, which previously existed under No. 9 and No. 10 a ff, have now been eliminated by the new No. 9 of Art. 1[illegible], para. 1 of the Federal Act on Hunting in order to prevent cruelty to animals.

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No. 2

Since the prohibition of the leghold trap I know of no serious problems which concern

a) the animals or human health,

b) agriculture

c) overpopulation of game or

d) any other areas

and which could be directly associated with the prohibition on the leghold trap.

No. 3

Serious economic consequences as a result of the prohibition on the leghold trap have not come to light.

No. 4

Serious problems in enforcing this prohibition have not come to light.

No. 5

Now that the leghold trap has been prohibited, it has become evident that the cruelty to animals which could not be avoided previously when this trap was used, has been eliminated. Thus one can speak of a good effect on the natural ecosystem.

I hope that this information is useful to you.

Sincerely,

pp.
(signature)

Dr. Schmelz

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APPENDIX S

[illegible]

Rome,11 [illegible]

Dear Mr. Clark,

Thank you for your letter of November 26, 1979.

Our country has banned leg-hold traps in december 1977. The ban was introduced because of the cruelty of this system and it has been substituted by selective systems, i.e. shotgun and traps that neither kill or injure the animals.

We have noticed no negative effects in wildlife populations and in predator populations.

Sincerely yours.

V.Benvenuti

Mr. Bill CLARK
Friends of animals, inc.
11West 60th Street,
New York,N.Y.10023 (Stati Uniti d'America)

APPENDIX T

DIRECTIE FAUNABEHEER

MINISTERIE VAN LANDBOUW EN VISSERIJ
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

To:

Friends of Animals, inc.
11 West 60th Street,
New York
N.Y. 10023

Uw kenmerk

Uw brief van

Ons kenmerk
Fb 193

Datum
12-2-1980

Bijlage(n)

Onderwerp
Use of steel leg hold trap
in the Netherlands.

The Netherlands Game Act and the Muskrat Order mention the use of steel leg hold traps.
The Wildlife Division of the Ministry of Agriculture and Fisheries is charged with the implementation of the legal measures taken with respect to this.
I shall answer your questions item by item.

A. In the Netherlands the use of steel leg hold traps in the field and traps other than box traps has been banned since 1968.

b. The second Chamber of the States General has pressed for a ban on the use of such devices. The motives for this were:
  a. the use of this type of catching device (in particular the steel jaw leg hold trap in various designs) was thought to be not selective enough.
  b. a number of cases had been noticed of captured animals suffering due to incompetent use of such traps.

2 a. The tremendous changes in the landscape of the Netherlands over the past 15 years have resulted in such changes in the biotopes that it is impossible or hardly possible to establish whether the ban on the use of the steel jaw leg hold trap has had any effect on the population of the species that were formerly 'trapped'. We are under the impression that it has enabled the rabbit population to increase locally to such an extent that rabbit damage has increased sharply.

damage has increased sharply.

b. The locally too high densities of the rabbit population have highlighted the effect of diseases like myxomatosis.

c. See 2.a.

d. In the Netherlands the trade in furs of captured indigenous wild animals has hardly been important in the past few decades.

C. The use of steel jaw leg hold traps is only allowed for muskrat control. A change has taken place in the course of the years. The traps used nowadays kill quickly and the steel jaw leg hold trap is seldom used.

As you probably know, the control of this very noxious animal is very important in the Netherlands because it causes much financial loss.

The Wildlife Division is charged with the control of this animal. Those who do the actual job are carefully selected and skilled people, most of whom are State employees. The animals are caught very selectively.

Of course I cannot tell whether a ban on the use of steel jaw leg hold traps in the US is desirable, because I assume that the situation in the US is quite different from that in our own country.

Hoping to have given you sufficient information I remain,

Yours sincerely,

THE HEAD OF THE WILDLIFE
DIVISION,

Dr. W.J. Doude van Troostwijk.

FOOTNOTES

1. Survey conducted by Dr. Steven R. Kellert, Yale School of Forestry and Environmental Studies, funded by the U.S. Fish and Wildlife Service, Phase 1, published 1979.

2. Schmidt-Nielsen, Knut, Animal Physiology, (Englewood Cliffs, N.J., Prentice Hall, 1962). Most other physiology texts cover the same material.

3. Ibid.

4. Zollman, P. and Winkleman, R.K., "The Sensory Innervation of the Common North American Raccoon (Procyon lotor)," in Journal of Comparative Neurology, Vol. 119 (1962) pp. 149-57.

5. Ewer, R.F., The Carnivores (London, Weidenfeld & Nicholson, 1973) p. 136.

6. Unpublished communication dated 21st February, 1979. See APPENDIX C.

7. Unpublished communication dated 1979-05-15. See APPENDIX D.

8. Canadian Wildlife Series Report (Series 8, 1969).

9. Lord, Rexford D., Jr., "A Population Study of the Gray Fox" in The American Midland Naturalist, Vol. 66, No. 1, July 1961 pp. 88-109.

10. Ibid.

11. Unpublished communication dated 4 December 1979. See APPENDIX E.

12. Atkeson, Thomas Z. "Incidence of Crippling Loss in Steel Trapping" in Journal of Wildlife Management, Vol. 20, No. 3, July, 1956, pp. 323-324.

13. Op Cit., Swedish communication of footnote 7. see APPENDIX D.

14. See U.S. Department of Commerce, Bureau of the Census, Foreign Trade Division's "U.S. General Imports: Schedule A" and "U.S. General Exports: Schedule E" documents FT-135 and FT-410.

15. Robinson, Weldon B., "Population Changes of Carnivores in Some Coyote-Control Areas," Journal of Mammology, Vol. 42, No. 4, 20 November 1961, pp. 510-515.

16. Ibid.

17. Office of Endangered Species and International Activities, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Threatened Wildlife of the United States, (Resource publication 114, March 1973 - Revised Resource Publication 34), pp. 235-254.

18. Redig, Patrick, DVM, PhD, "Significance of Trap-Induced Injuries to Bald Eagles," University of Minnesota Raptor Research and Rehabilitation Program, St. Paul, Minnesota 55108.

19. Standard form contract for the taking of furbearing mammals on Brigantine National Wildlife Refuge.

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A STATEMENT ON THE OCCURRENCE AND DISTRIBUTION OF RABIES IN THE STATE OF NEW JERSEY, AND THE IMPLICATIONS OF ELIMINATING LEG HOLD TRAPPING

Submitted to

The Energy and Natural Resources Committee

New Jersey State Assembly

November 30, 1978 / Resubmitted, 1983

by

John S. Reif, DVM, MSc
Professor of Epidemiology
Chief, Section of Epidemiology and Public Health
School of Veterinary Medicine
University of Pennsylvania

O. For your information I enclose the following documentation:
   - a. Ordinance of the Federal Council dated 13 April 1965 (german)
   - b. idem dated 26 Mai 1967 (french)
   - c. idem dated 28 February 1968 (german)
   - d. idem dated 24 September 1973 (german)
   - e. leaflet on traps from a german firm
   - f. maps showing the annual fox take, rabies cases from April 1977 to March 1978, and vaccination areas
   - g. article by F. Steck et al. on the oral immunisation of foxes against rabies.

Best regards,

FEDERAL VETERINARY OFFICE
DIVISION INTERNATIONAL TRAFFIC
AND ANIMAL WELFARE

Dr. Dollinger

copy for information to:

Federal Forestry Office,
Hunting and Wildlife Research Section

3. On February 1968 even more strict measures were decreed. These included :
   - admission of leghold traps under strict control;
   - extension of the hunting season on the whole year in areas where fox burrows were gassed.

4. On 24th September 1973 the admission of the leghold trap was revoked.

5. To my knowledge the use of the lehold trap has been admitted only by a few Cantons in the alpine area where it was impossible - for topographical reasons - to gas the burrows. E.g. the Canton Graubünden admitted the leghold trap from 1968 to 73, however, it is very unlikely that ist has been used to a great extent, as the import ban existing since 1962 has never been levied. In 1974 Graubünden prohibited again the use of the leghold trap, but still admitted all sizes of the so called swan-neck trap until 1978. In 1979 Graubünden prohibited all traps except box traps.

6. Under the current Federal legislation swan-neck traps are admitted if they have a diameter of at least 37 by 27 cm. Smaller swan-necks, e.g. for the trapping of muskrat, are prohibited. Snares are not allowed.

7. The new Federal Hunting Law has been submitted to Parliament on 27 April 1983. It ist expected that it will enter into force in 1985. The prohibition of all traps except the box trap, as proposed by the Federal Council, will probably not be contested.

8. Shooting and trapping of foxes had almost no effect on the spreading of rabies. The gassing was first successful, but the foxes quickly adapted to the new situation and the measure became ineffective. On the other hand, gassing had an extremely detrimental effect on the badger populations, reason why it was abandoned.

9. The only method of rabies control which proved to be effective is the vaccination of the foxes. This method has been developed by the late Prof. Steck at the Veterinary Faculty of Berne University. Live attenuated SAD-strain of rabies virus is applied orally to the wild foxes. The vaccine is put into small aluminium bags which are hidden in chicken heads. 15 to 20 chicken heads per sq.km are distributed on a terrain compartment of at least 20 km depth which is, whenever possible, laterally confined by high mountains lakes, broad rivers, or fenced highways. The vaccination has to be repeated every six months. For the first time this method was used in the Canton Valais in 1978. Since then also parts of the Bernese Oberland, the area between the Lake of Zurich and the Lake of Zug, and the Rhine valley of Graubünden have been included in the campaign. In 1984 an additional campaign will start, including all north-eastern Switzerland except the Canton Schaffhausen which is situated north of the Rhine, and including also the Principality of Liechtenstein.

Eidgenössisches Volkswirtschaftsdepartement
Département fédéral de l'économie publique
Dipartimento federale dell'economia pubblica

Bundesamt für Veterinärwesen
Office vétérinaire fédéral
Ufficio federale di veterinaria

3000 Bern 6
Thunstrasse 17
✆ 031 61 26 71

New address

Schwarzenburgstrasse 161
CH-3097 Liebefeld-Berne
Tel.: 031 59 85 08

9th November 1983

Mrs. Susan Russell
friends of animals, inc.
1 Pine Street,

Neptune, N.J. 07753
USA

Ihr Zeichen
Votre signe
Vostro segno

Ihre Nachricht vom
Votre communication du
Vostra comunicazione del
17.10.1983

Unser Zeichen
Notre signe
Nostro segno
Do/bb-800.3

Betrifft
Concerne
Leghold trap / rabies

Dear Mrs. Russell

Referring to your letter dated October 17, I inform you as follows:

1. When rabies first appeared in Switzerland, the Federal council decreed an ordinance on rabies control (13 April 1965). In this ordinance he stated that the cantons have to take appropriate measures for the destruction of game animals in threatened areas, especially by gassing fox and badger burrows.

2. When it became apparent that rabies was transmitted almost exclusively by the fox, the Federal Council decreed a new, much more detailed ordinance (26 May 1967). This ordinance obliged the cantons to reduce the fox populations by the following means:

   - authorization of other persons than licensed hunters to kill foxes;
   - extension of the hunting season to the whole year, except 2,5 months between 15 March and 15 June. Even during these 2,5 months the shooting of fox puppies was authorized.
   - admission of fox hunting during the night;
   - admission of fox hunting in wildlife reserves.

   In addition, fox hunters were obliged to kill all (domestic or feral) cats encountered more than 300 m from the next farm, and to kill also dogs roaming freely in forests.

I am treating them. This is something one never forgets. I have also seen the pain go as a very few recover fully and are finally given back a full life, a full life in which the leghold trap may await them again.

Such a barbaric device should have gone out with the guillotine. I can't imagine that 64 countries, some we consider backward of our own, have banned the steel-jawed trap. When will we open our eyes, ears and hearts to these animals?

Address: 1421 Silverton Road
Toms River, NJ 08753

Statement in Support of A-3207/S-1575
to Ban the Leghold Trap

by

Virginia Andreson

Licensed Wildlife Rehabilitator

State of New Jersey

May, 1983

Songbirds are a beauty to the ear and the eye. That is true of course if you don't find them in a steel-jaw trap. Then, no longer do they sing because the pain has silenced their voice and the dainty body is usually damaged beyond help. The bird must be destroyed. This happens most frequently because songbirds are small and silent even a close passerby would not notice the tragic happening. I have found many of these birds over the years, most have lost both legs.

The terrible pain does not stop there. I could take anyone to several locations not far from my home where piles of unwanted or "trash" animals were dumped from traps. Sometimes I have found a few animals still alive but so far gone with injuries that they too had to be destroyed. Then there are the several hundred I have treated and released, wondering if a three-legged animal would really make it but the alternative was to force that animal to live in captivity; in a cage. I have seen the pain in the eyes of trap victims, of the raccoons, opossums, foxes, skunks and the trust they give me with their lives when

Recommendations

1. Studies should be made of the pathogenesis of rabies infection in species that are important in the epidemiology of the disease. Immunofluorescent staining of frozen sections has provided a clearer picture of the pathogenesis of rabies infection and of the distribution of virus in infected organs than was previously possible. These studies have largely been conducted in experimental animals with standard strains of virus.

2. The occasional occurrence of a long incubation period and the observation in wild animals, especially bats, that virus may be present in saliva for a considerable time before the development of symptoms suggest that certain host factors may be at play. Research directed at elucidating the nature of the host-parasite balance in rabies should be encouraged.

3. There is increasing evidence that—at least in animals—recovery from rabies may be more common than is generally accepted. Research that will elucidate the magnitude and parameters of this recovery should be encouraged

4. Examination for rabies-related viruses should be made in the United States, and encouragement should be offered to organizations to continue the search for such viruses outside the United States. For

example, there is now evidence that some African viruses resemble the rabies virus. Studies of these African viruses indicate that they are morphologically and serologically related to rabies virus but differ significantly from it, suggesting that the rabies virus is not biologically unique. Further studies of the antigenic components of rabies-related viruses and group relationships should be pursued. Laboratories in the United States should be encouraged within the limits of their facilities to examine the antigenic makeup of isolates from wildlife. Methods for differentiation should include reciprocal cross-complement fixation and neutralization tests. Appropriate reference reagents should be made available to interested laboratories.

5. Special efforts need to be made to identify characteristics in isolates that can serve as markers. The identification of such markers would greatly facilitate epidemiological studies, and the development of a satisfactory oral vaccine for wildlife is at least partially dependent on the recognition of such a system.

6. Though a carrier state has not been clearly demonstrated in any species, its potential importance should not be underestimated. Research leading to the resolution of this question and study of dynamics of the carrier state in animals should be encouraged.

7. The exact sites of viral multiplication following oral, respiratory, and even parenteral inoculation routes have not been identified. Research leading to the identification of early sites of infection, if they exist, should be encouraged.

8. The cost of rabies, including both diagnostic and preventive measures, should be assessed. Responsibility for rabies control is shared by many local and several state and federal agencies; as a result, the total cost is not known and cost–benefit analyses cannot be made.

9. More precise information on local epidemics, including numbers and types of animals involved, should be obtained. Epidemiologic studies into the nature of these outbreaks, using ecological and virological techniques so as to understand properly what is happening, should be developed.

10. Persistent trapping or poisoning campaigns as a means to rabies control should be abolished. There is no evidence that these costly and politically attractive programs reduce either wildlife reservoirs or rabies incidence. The money can be better spent on research, vaccination, compensation to stockmen for losses, education, or public warning systems.

11. Control in high-contact areas (picnic grounds, camps, suburban

CONTROL OF RABIES

Subcommittee on Rabies
Committee on Animal Health
Agricultural Board
National Research Council

NATIONAL ACADEMY OF SCIENCES
WASHINGTON, D.C.
1973

The seriousness of the bat rabies problem in the state is exemplified by the death of a Sussex County resident following a bat bite in 1972.

The Impact of Eliminating Leg Hold Trapping on Rabies in New Jersey

The effects of eliminating leg hold trapping from the remaining counties of New Jersey are difficult to assess. However, in my opinion, such a measure would not result in a resurgence of epizootic rabies throughout the state, nor would it result in the exposure of significant numbers of human beings to rabid animals. The reasons for this opinion are the following:

1. A significant endemic terrestrial wildlife rabies problem does not appear to exist in New Jersey.
2. The major species involved in the distribution of rabies in New Jersey is the bat.
3. Interspecies transmission of rabies does not appear to occur readily, but probably accounts for the sporadic cases seen.
4. Because of its social behavior and habitat, the major species of animal involved in rabies transmission to man is the dog. A well organized program of rabies immunization for dogs exists within the state and should be continued.
5. Where epidemic rabies exists in the world, attempts to control the spread of disease by decimating wildlife populations have not been successful. This is particularly true in France and Western Germany where fox rabies has been a major problem for approximately 10 years. Massive campaigns to halt the spread of rabies by destroying fox populations with all available means (gassing, trapping, poison baits)

have not reduced the population adequately to control spread. Depletion of the fox population beyond one generation has not been effected. There is some evidence that the reproductive potential of foxes and coyotes actually increases under trapping pressure by increasing litter size.

Trapping programs were also found to be ineffective in controlling epizootic fox rabies in New York State in the 1940's and in Virginia in the 1960"s.

6. Theoretically, reducing the population density below a threshold level will halt the transmission of rabies. However, a number of studies (Davis and Wood 1959 and Friend 1968) do not support the concept that the distribution of the disease is totally dependent on population density. Examples where institution of control programs have coincided with a reduction in the incidence of disease may be coincidental. The major factor in halting an epizootic of fox rabies may be the devastating mortality induced by the virus itself.

   In support of this concept, the National Academy of Sciences published a report (1973) which recommended that persistent long-term trapping programs be abolished. This report found no evidence that such programs either reduced the wildlife reservoirs or decreased the incidence of rabies.

Recommendations

1. The commercial use of leg hold traps in the counties of New Jersey where it remains legal should be abolished on humanitarian grounds.

S Russell

NJPHA
ORGANIZED 1875
NEW JERSEY PUBLIC HEALTH ASSOCIATION
P.O. BOX [illegible] KEARNY, [illegible] 0703[illegible]
AFFILIATE OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

November 10, 1983

The Honorable Raymond J. Zane
Chairman, Natural Resources & Agriculture Committee
New Jersey Senate
State House Annex, Room 305
Trenton, NJ 08625

Dear Senator Zane:

Further to my letter addressed to you dated September 26, 1983, regarding opposition to A-3207 and related Senate bills, I wish to inform you that because of the increased public interest in the bill, the New Jersey Public Health Association has given further study to the matter. As a result, we are no longer opposed to a ban on the use of the leghold trap in New Jersey, with the following understanding:

In New Jersey, the following measures have been encouraged for the purpose of rabies control:

1. Immunization of those groups at risk. (eg., Veterinarians, An. Con. Pers
2. Increased licensing and immunization of dogs against rabies and increased immunization of cats against rabies.
3. Increased picking up and impounding of stray animals, with emphasis on dogs and cats, in approved animal facilities.
4. Any wildlife exhibiting unusual behavior must be reported to local health authorities or to the State Department of Health.

Moreover, it should not go without saying that the State Commissioner of Health should be empowered to utilize appropriate trapping methods in the event of a public health emergency situation.

Please be advised that our position reflects the promotion of health, the prevention of disease and the essential relationships among humans, animals and the environment.

Respectfully yours,

Walter Trommelen

Walter Trommelen, M.P.H.
President

cc: The Hon. D. Bennett Mazur, Principal Sponsor, A-3207
The Hon. J. Richard Goldstein, M.D., State Comm. of Health
The Hon. Robert E. Hughey, Commissioner of Environmental Protection

NEW JERSEY PUBLIC HEALTH ASSOCIATION

P.O. BOX 311, KEARNY, N.J. 07032

October 17, 1983

TO: All Members, Executive Board, N.J.P.H.A.

FROM: Walt Trommelen, President

SUBJECT: MEETING NOTICE- 10:00 a.m., Thursday, November 10, 1983
Dental Society of New Jersey, Route 1, North Brunswick

Subsequent to our arriving at a position of opposition for A-3207, which would ban the use of the leghold trap in New Jersey, at our September 14 Board Meeting, we have been "besieged" by several representatives of organizations supporting this legislation.

Also, as you know, we had a guest presentation from Dr. Douglas Roscoe, representing the NJDEP, Division of Fish and Game, which I feel in retrospect, now, was not the neutral, unbiased representative I thought he was when he requested to meet with our Executive Board in September.

In all fairness, I feel that we have no choice now, but to offer representation from the "other side" of the issue to also meet with us, thus necessitating this additional meeting. In preparation for this session, I am distributing copies of the materials furnished me by the New Jersey Congress for Animals herewith, to those who did not receive a copy at our last meeting, October 7, 1983.

By copy of this Notice to our guest speakers, I'm asking them to attend at 10:30 a.m., and am granting them, together, a maximum of one hour, so that we can deliberate and come to some resolution on this matter by lunch time.

Lunch will be available. I suggest that the meeting continue into the afternoon to discuss, further: 1) a suggestion that NJPHA have an executive committee added as a standing committee, which would necessitate a by-laws change; 2) plans for secretarial services for essential business of the Association, including dues, billing and collections; 3) future post office mailing address of NJPHA; and 4) future treasurer candidate(s).

Kindly return the enclosed postcard indicating your attendance, as soon as possible. Anticipating your understanding, I'm truly sorry for any inconvenience this additional meeting may cause.

P.S. At the end of our last Executive Board meeting, a motion was passed that the President, each year, correspond the names of people which NJPHA feels should be considered as nominees on the New Jersey Board of Medical Examiners, by November 15 of each year. Please consider those you feel would be good candidates on this Board. State law provides for consumer members, homeopathic and osteopathic physicians, podiatrist, chiropractor and bio-analytical laboratory director. Please give me the names and a brief description of their background, on November 10. Thank you.

[illegible]

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Rabies in Translocated Raccoons

VICTOR F. NETTLES, DVM, PHD, JOHN H. SHADDOCK, BS, R. KEITH SIKES, DVM, MPH,
AND CARLOS R. REYES, MS

Abstract: Two raccoons imported from Florida by a North Carolina hunting club were diagnosed as having rabies by fluorescent antibody testing of brain tissue. Although dead on arrival in North Carolina, they could have infected other raccoons in the same shipment which had already been released into the wild. Raccoon rabies has become increasingly important in recent years, but this is the first documented report of rabies presence in hunter-purchased interstate shipments. (*Am. J. Public Health* 69:601-602, 1979.)

Introduction

Private hunting clubs in mountainous regions of the southeastern United States are importing and releasing each year thousands of wild raccoons (*Procyon lotor*), purchased from commercial animal dealers in distant states. For example, over 2,300 translocated raccoons were known to have been released in the 15 eastern counties of Kentucky during 1975-1976.[1]

Importers of these animals usually are required to obtain a permit from their state wildlife agency and, in many instances, a health certificate issued by an accredited veterinarian must accompany each shipment. The threat of rabies introduction has been the primary concern because many raccoons are shipped from Florida, a state with enzootic raccoon rabies.[2,3] Documentation of rabid animals in hunter-purchased shipments, however, has not occurred. This report records the incidence of rabies infections in a selected sample of raccoons translocated for hunting purposes.

Methods

From October 1976, to April 1978, 165 commercial-source raccoons were obtained for an in-depth health study. Of these animals, 100 from Hillsborough County and three from Orange County, Florida were confiscated by the Tennessee Wildlife Resources Agency because their importation by raccoon hunters was illegal. Thirty-one raccoons were purchased in three lots from a commercial dealer in Brownwood, Texas and 11 were bought from a dealer in Williamsburg, Virginia. The remaining 20 were raccoons dead on arrival from Florida at Haywood County, North Carolina raccoon club after delivery from a dealer in Avon Park, Florida. Brain tissue from all aforementioned animals was examined by the fluorescent rabies antibody test.[4] A portion of brain from each raccoon was preserved by freezing, and rabies-positive animals were retested by a second laboratory.

Results and Discussion

Two of the 165 raccoons were positive for rabies; both had been shipped from Avon Park, Florida to Haywood County, North Carolina. The positive cases had been transported in separate lots of 137 and 86 raccoons, respectively; those animals not dead on arrival had been released into the wild. Interstate health certificates accompanied both of these groups of animals.

Address reprint requests to Dr. Victor F. Nettles, Southeastern Cooperative Wildlife Disease Study, Department of Parasitology, College of Veterinary Medicine, University of Georgia, Athens, GA 30602. Mr. Shaddock is with the Lawrenceville, GA Facility, Bureau of Laboratories, CDC. Dr. Sikes is with the Georgia Department of Human Resources; Mr. Reyes is with the Tennessee Department of Public Health. This paper, submitted to the Journal June 30, 1978, was revised and accepted for publication October 25, 1978.

The raccoons for this study came from eight shipments; consequently, 25 per cent ($^2/_8$) of the lots examined contained a rabid animal. This figure is alarming since shipping and husbandry practices associated with raccoon translocation may potentiate rabies transmission. For example, North Carolina wildlife officials found that the Avon Park, Florida raccoons were transported in cages containing about eight animals each. The driver of the shipment had indicated to the wildlife officials that raccoons were held together in a large pen prior to delivery. Under such circumstances, an unknown number of the more than 200 raccoons released could have been incubating rabies. Furthermore, since the raccoons were released for pursuit and capture by dogs, there was considerable potential for canine exposure. Persons handling raccoons prior to release have been scratched or bitten. In fact, a wildlife technician in North Carolina was scratched during the release of the Avon Park raccoons and had to undergo post-exposure rabies immunization.

Raccoon rabies is highly prevalent in a four-state region of the deep South, viz., southwest Alabama, Florida, Georgia, and South Carolina.[5] From January through June 1977, the aforementioned states accounted for 94 per cent of rabies diagnoses in raccoons nationwide.[6] Other states have a low prevalence of rabies in this species, although scattered cases have occurred throughout the midwest and in central Texas. In the past two decades, raccoon rabies has been increasing gradually, and during the first 6 months of 1978, approximately 34 per cent of the raccoons tested in the enzootic states were positive.[7] These statistics augment our assertion that the results of this study were not spurious, but were to be expected.

This report confirms the apprehensions of many people that rabies-infected raccoons are involved in translocation. It also shows the ineffectiveness of present health certification as applied to this problem. The conservation agencies of several southeastern states already have embargoes on raccoons from Florida, but many wildlife officials suspect that clandestine importation still occurs. In each state, three agencies have a vested interest in rabies control. These include the state departments of agriculture, public health, and wildlife. Although jurisdictions may vary from state to state, increased inter-agency cooperation in areas of public education and law enforcement should be encouraged to minimize risks associated with this undesirable practice.

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ACKNOWLEDGMENTS

This study was supported in part by an appropriation from the Congress of the United States. Funds were administered and research coordinated under the Federal Aid in Wildlife Restoration Act (50 Stat. 917) and through Contract No. 14-16-0009-77-014, Fish and Wildlife Service, U.S. Department of the Interior. The authors wish to thank the state game and fish agencies in Florida, North Carolina, Tennessee, Virginia, and West Virginia for their assistance in obtaining raccoons.

Getting that 'trapped' feeling

DEAR EDITOR:

Occasionally I take my canoe and paddle through the marshes in back of Gunnel Oval in Kearny. It is a beautiful area of many lakes and canals, teeming with wildlife.

Recently, I was stopped by two men in another canoe and was accused of stealing their traps. When I denied it and they saw no traps in my boat, they said I must have thrown them in the water.

I do hope whoever took the traps, did just that. If I ever meet him I will thank him.

My canoe is marked "Born Free."

I heard one of the trapped creatures crying out but did not know what was wrong. Now I know.

Leo F. Koucher,
Kearny

Star-Ledger

The seriousness of the bat rabies problem in the state is exemplified by the death of a Sussex County resident following a bat bite in 1972.

✓ The Impact of Eliminating Leg Hold Trapping on Rabies in New Jersey

The effects of eliminating leg hold trapping from the remaining counties of New Jersey are difficult to assess. However, in my opinion, such a measure would not result in a resurgence of epizootic rabies throughout the state, nor would it result in the exposure of significant numbers of human beings to rabid animals. The reasons for this opinion are the following:

1. A significant endemic terrestrial wildlife rabies problem does not appear to exist in New Jersey.
2. The major species involved in the distribution of rabies in New Jersey is the bat.
3. Interspecies transmission of rabies does not appear to occur readily, but probably accounts for the sporadic cases seen.
4. Because of its social behavior and habitat, the major species of animal involved in rabies transmission to man is the dog. A well organized program of rabies immunization for dogs exists within the state and should be continued.
5. Where epidemic rabies exists in the world, attempts to control the spread of disease by decimating wildlife populations have not been successful. This is particularly true in France and Western Germany where fox rabies has been a major problem for approximately 10 years. Massive campaigns to halt the spread of rabies by destroying fox populations with all available means (gassing, trapping, poison baits)

have not reduced the population adequately to control spread. Depletion of the fox population beyond one generation has not been effected. There is some evidence that the reproductive potential of foxes and coyotes actually increases under trapping pressure by increasing litter size.

Trapping programs were also found to be ineffective in controlling epizootic fox rabies in New York State in the 1940's and in Virginia in the 1960"s.

6. Theoretically, reducing the population density below a threshold level will halt the transmission of rabies. However, a number of studies (Davis and Wood 1959 and Friend 1968) do not support the concept that the distribution of the disease is totally dependent on population density. Examples where institution of control programs have coincided with a reduction in the incidence of disease may be coincidental. The major factor in halting an epizootic of fox rabies may be the devastating mortality induced by the virus itself.

In support of this concept, the National Academy of Sciences published a report (1973) which recommended that persistent long-term trapping programs be abolished. This report found no evidence that such programs either reduced the wildlife reservoirs or decreased the incidence of rabies.

Recommendations

1. The commercial use of leg hold traps in the counties of New Jersey where it remains legal should be abolished on humanitarian grounds.

S Russell

NJPHA
NEW JERSEY PUBLIC HEALTH ASSOCIATION
P.O. BOX [illegible] KEARNY, NJ 07032
ORGANIZED 1875
AFFILIATE OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

November 10, 1983

The Honorable Raymond J. Zane
Chairman, Natural Resources & Agriculture Committee
New Jersey Senate
State House Annex, Room 305
Trenton, NJ 08625

Dear Senator Zane:

Further to my letter addressed to you dated September 26, 1983, regarding opposition to A-3207 and related Senate bills, I wish to inform you that because of the increased public interest in the bill, the New Jersey Public Health Association has given further study to the matter. As a result, we are no longer opposed to a ban on the use of the leghold trap in New Jersey, with the following understanding:

In New Jersey, the following measures have been encouraged for the purpose of rabies control:

1. Immunization of those groups at risk. (eg., Veterinarians, An. Con. Pers
2. Increased licensing and immunization of dogs against rabies and increased immunization of cats against rabies.
3. Increased picking up and impounding of stray animals, with emphasis on dogs and cats, in approved animal facilities.
4. Any wildlife exhibiting unusual behavior must be reported to local health authorities or to the State Department of Health.

Moreover, it should not go without saying that the State Commissioner of Health should be empowered to utilize appropriate trapping methods in the event of a public health emergency situation.

Please be advised that our position reflects the promotion of health, the prevention of disease and the essential relationships among humans, animals and the environment.

Respectfully yours,

Walter Trommelen

Walter Trommelen, M.P.H.
President

cc: The Hon. B. Bennett Mazur, Principal Sponsor, A-3207
The Hon. J. Richard Goldstein, M.D., State Comm. of Health
The Hon. Robert E. Hughey, Commissioner of Environmental Protection

NEW JERSEY PUBLIC HEALTH ASSOCIATION
P.O. BOX 311, KEARNY, N.J. 07032

October 17, 1983

TO: All Members, Executive Board, N.J.P.H.A.

FROM: Walt Trommelen, President

SUBJECT: MEETING NOTICE-10:00 a.m., Thursday, November 10, 1983
Dental Society of New Jersey, Route 1, North Brunswick

Subsequent to our arriving at a position of opposition for A-3207, which would ban the use of the leghold trap in New Jersey, at our September 14 Board Meeting, we have been "besieged" by several representatives of organizations supporting this legislation.

Also, as you know, we had a guest presentation from Dr. Douglas Roscoe, representing the NJDEP, Division of Fish and Game, which I feel in retrospect, now, was not the neutral, unbiased representative I thought he was when he requested to meet with our Executive Board in September.

In all fairness, I feel that we have no choice now, but to offer representation from the "other side" of the issue to also meet with us, thus necessitating this additional meeting. In preparation for this session, I am distributing copies of the materials furnished me by the New Jersey Congress for Animals herewith, to those who did not receive a copy at our last meeting, October 7, 1983.

By copy of this Notice to our guest speakers, I'm asking them to attend at 10:30 a.m., and am granting them, together, a maximum of one hour, so that we can deliberate and come to some resolution on this matter by lunch time.

Lunch will be available. I suggest that the meeting continue into the afternoon to discuss, further: 1) a suggestion that NJPHA have an executive committee added as a standing committee, which would necessitate a by-laws change; 2) plans for secretarial services for essential business of the Association, including dues, billing and collections; 3) future post office mailing address of NJPHA; and 4) future treasurer candidate(s).

Kindly return the enclosed postcard indicating your attendance, as soon as possible. Anticipating your understanding, I'm truly sorry for any inconvenience this additional meeting may cause.

P.S. At the end of our last Executive Board meeting, a motion was passed that the President, each year, correspond the names of people which NJPHA feels should be considered as nominees on the New Jersey Board of Medical Examiners, by November 15 of each year. Please consider those you feel would be good candidates on this Board. State law provides for consumer members, homeopathic and osteopathic physicians, podiatrist, chiropractor and bio-analytical laboratory director. Please give me the names and a brief description of their background, on November 10. Thank you.

AUG [illegible]

DEPARTMENT OF HEALTH & HUMAN SERVICES

[illegible]

Centers for Disease Control
Atlanta, Georgia 30333

July 30, 1981

Frank W. Kingsbury, D.V.M.
Extension Veterinarian
Cooperative Extension Service
Cook College
P.O. Box 231
New Brunswick, New Jersey 08903

Dear Dr. Kingsbury:

This is in reply to your earlier request for clarification of our policy at CDC on trapping as a tool for wildlife rabies control. The statement which you quoted in my letter to you of December 6, 1978 still applies, that is, we do not routinely recommend trapping, i.e. population reduction, for rabies control. There may be rare instances where trapping would be recommended, in campgrounds or parks where epidemic rabies has been identified in animals that are in very close association with man. To my knowledge we have, in fact, not recommended that at all, since our present policy was developed in 1974.

The Woodstream booklet entitled "Trapping in Wildlife Management" has caused us some difficulty. As you might surmise, Woodstream as a major manufacturer of traps in the United States has a vested interest in trapping. They have visited with us and have quoted us not perhaps inaccurately, but I think out of context. I do not have the publication to which you refer.

We do prefer that trapping and/or other techniques be legal and available in the event they are needed for public health reasons. We do not, however, advocate routine trapping programs as effective for rabies control. I hope this is of some value.

Sincerely yours,

William Winkler
William G. Winkler, D.V.M.
Chief, Enteric and Neurotropic Viral
Diseases Branch
Virology Division
Center for Infectious Diseases

December 6, 1978

Frank W. Kingsbury, D.V.M.
Extension Veterinarian
Rutgers State University
Cooperative Extension Service
Cook College
P. O. Box 231
New Brunswick, New Jersey 08903

Dear Dr. Kingsbury:

This is in reply to your letter requesting information on wildlife rabies.

The present policy of CDC and most public health agencies regarding population reduction is that population reduction is of very limited value. The generalized low intensity control programs that were employed in the past did not prove effective. The only time we recommend population reduction now is in instances where dense populations of rabid animals are in close contact with human populations specifically as in campgrounds or in parks. If a rabies outbreak were to erupt in these semitame wild animals reduction would be indicated.

We do believe that survival from rabies infection occurs with unknown frequency and that the natural immunity described by Dr. Tierkel reflects immunity following infection. This is supported by the demonstrated increase in antibody prevalence in a population following an epizootic of rabies in that population. As such the reduction of animal numbers through trapping or similar programs might indeed eliminate immune animals and create a vacuum for ingress and increased mortality of susceptibles. While many of us believe this no one has statistically and scientifically validated.

There is little work being done today on the natural ecology of rabies virus in the field. The problem is such a small one in the overall context of public health and the field research is so expensive for the yield that most agencies have abandoned or minimized that type research. As you may know, there is active work going on in vaccine development and assessment. The only area of wildlife rabies research under active investigation is the attempt by several people to develop oral rabies vaccines for wild animals. That proposed technique is at least several years away from reality. Hope this is of some value.

Sincerely yours,

William G. Winkler, D.V.M.
Chief, Respiratory and Special
Pathogens Branch
Viral Diseases Division
Bureau of Epidemiology

Statement of Joyce Brothers, Ph.D.

Psychologist

As a resident of New Jersey, I appreciate this opportunity to express my support of A.3207-S.1575 to ban the manufacture, sale and use of the steel-jawed leghold trap throughout the state.

While others here today will document the cruelty and nonselectivity of the device, I will confine my comments to the possible effects of the leghold trap on the people who use it.

I believe that use of the leghold trap constitutes both extreme cruelty to animals and a concomitant desensitization of trappers to the suffering of other sentient beings. Shackled and in pain, the trapped animal is subjected to any number of traumas and injuries. The trapper is witness to this agony, and proceeds to compound it by bludgeoning, drowning or breaking the back of his captive prey.

It is most alarming that trappers profess to enjoy this experience, and that the New Jersey Division of Fish, Game and Wildlife promotes trapping as a "wholesome form of outdoor recreation."

Of even greater concern from my perspective is that the bulk of trappers are youngsters of an impressionable age; during the years when values which last a lifetime are formed, these youngsters routinely engage in brutalizing animals.

Cruelty to animals is one of the criteria used to identify a severely disturbed child. It can be a manifestation of a lack of empathy or compassion for the pain of others, and may also be indicative of destructive behavior which might be directed toward other human beings.

It is my opinion that cruelty to animals is a behavior which should be discouraged or prevented, especially - as in the case of the leghold trap - when the cruelty is an avoidable one.

For the sake of our children as well as our wildlife, I urge New Jersey legislators to pass into law A.3207-S.1575 which will ban the manufacture, sale and use of a torturous device.

„חי־בר" האגודה להקמת שמורות טבע לחיות בר תנ"כיות בישראל

"HAI BAR" ORGANIZATION FOR THE ESTABLISHMENT OF BIBLICAL WILDLIFE RESERVES IN ISRAEL

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Secretary General—
Uri Tzon

Ms. Alice Herrington
President
Friends of Animals
1 Pine Street
Neptune, NJ 07753
U.S.A.

20 December 1981

Dear Ms. Herrington:

I understand that certain interests in the United States defend the use of steel leghold traps against foxes because, they claim, box traps are ineffective against these species.

Present work I am conducting at the Hai-Bar Arava Wildlife Reserve tends to contradict such claims.

We have recently experienced a substantial increase in our fox population, one of those cyclical population phenomena well documented by population biologists. The fox involved is Vulpes vulpes the same animal as you have in America.

My principal concern is that these foxes might prey on newborn Nubian ibex (Capra ibex nubiana) which we expect to begin arriving in about ten weeks. Consequently, I've conducted a fox-catching program in the vacinity of the pregnant ibex. The foxes are caught only with box traps. They are then relocated several kilometers away, outside the reserve, and released into nature.

Using only box traps, sometimes in connection to a drift fence, we have captured 73 foxes in the past month using ten traps set each evening and checked each morning. Not a single animal was injured in the project.

I do not think that any other trapping device would have been as suitable as the box trap in terms of effectiveness or humaneness.

Sincerely,

Bill Clark

Bill Clark
Chief Curator
Hai-Bar Arava

DR. KENNETH B. SHAW
FELINE ANIMAL HOSPITAL
675 BRANCH AVE.
LITTLE SILVER, N. J. 07739

Telephone 201 - 842-8266

May 18, 1978

It has been my experience that steel leg traps are not necessary for the capture of wild mammals. This opinion is based on my experience during 1966 when I was employed to trap and take blood samples from wild mammals in Forked River Game Preserve. The only traps used were "Hav-aHart" traps.

During a ten week period, I was able to capture approximately 90 to 100 mammals, including oppossum, skunk, rabbit and raccoon. All animals were tagged and released, after a blood sample, for encephalitis, was taken.

Since this trapping was done during a season of plentiful food, it would appear that it should be even more successful if done during the winter months.

None of the animals trapped were injured in any way by the traps.

The steel leg trap is a viscious, inhumane and brutal thing. It has no place in our society.

October 14, 1981

Ms. Sue Russell
Friends of Animals
1 Pine Street
Neptune, New Jersey 07753

Dear Ms. Russell:

This is in response to your telephone call regarding the number of people in the United States who make their living by hunting and trapping. As I mentioned in our telephone conversation, this occupation is included in our 1980 Occupation Classification System, but the data are not yet available. Since the occupation was not in the 1970 classification system, we cannot provide any published numbers at this time.

We are currently making estimates of the 1970 employment for new 1980 occupations. Based on this work, we estimate the number of hunters and trappers in 1970 to have been about 1,000. We must emphasize that this estimate is based on a small sample, so that the estimated number may be quite different from the true number, if it were known. The standard error on the estimate is 1,000, which means that the chances are 2 out of 3 that the true number is between 0 and 2,000.

Another consideration is that the census is taken in April. If most trapping is done in another season, such as Fall and Winter, the census may undercount the number of people who are hunters and trappers.

Sincerely,

JOHN A. PRIEBE
Labor Force Statistics Branch
Population Division
Bureau of the Census

friends of animals, inc.

11 West 60th Street, New York, N.Y. 10023 • (212) 247-8120

Office of the President
Alice Herrington

REPORT ON TRAPPER TRAINING COURSE CONDUCTED BY THE NEW JERSEY DIVISION OF FISH, GAME AND WILDLIFE

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Prepared by: Susan Russell, education director, Friends of Animals, Inc.

Preface

In an attempt to block legislation banning the leghold trap in New Jersey, the Division of Fish, Game and Wildlife introduced a mandatory training program. The division, whose salaries are paid by trapping license fee revenues, contends that trained trappers are more humane and selective trappers, therefore, there is no need for proscriptive legislation.

Indeed, an early (1977) statement by the division referred to the courses as a "political cushion" for legislators. Further, trapper training courses serve as a public relations tool to make trapping more palatable to the media and the public.

The leghold trap has been prohibited by 63 countries and Canada's British Columbia as excessively cruel and non-selective. These properties are inherent and universal: They do not change with state or national borders and cannot be changed by years of trapper training, let alone a few hours. The problem to be addressed is trapping and traps used to catch furbearers. Leghold trapping and "humane and selective" are mutually exclusive.

In order to report on the efficacy and legitimacy of courses that are presented as a panacea, it was necessary that I take the course.

My observations of the trapper training course follow.

October 14, 1981

Ms. Sue Russell
Friends of Animals
1 Pine Street
Neptune, New Jersey 07753

Dear Ms. Russell:

This is in response to your telephone call regarding the number of people in the United States who make their living by hunting and trapping. As I mentioned in our telephone conversation, this occupation is included in our 1980 Occupation Classification System, but the data are not yet available. Since the occupation was not in the 1970 classification system, we cannot provide any published numbers at this time.

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Another consideration is that the census is taken in April. If most trapping is done in another season, such as Fall and Winter, the census may undercount the number of people who are hunters and trappers.

Sincerely,

JOHN A. PRIEBE
Labor Force Statistics Branch
Population Division
Bureau of the Census

OBSERVATIONS

FRIDAY EVENING

On Friday evening, Mr. Byrne, the trapper training coordinator and a recreational trapper, focused on wildlife management theories supportive of trapping. Mr. Byrne virtually ignored the findings of the National Academy of Sciences, among others, that trapping is ineffective as a means of wildlife disease control and should be abolished. The students were told that "stockpiling doesn't work" and that "we must trap animals to control disease."

In contradiction of his original statements, the trapper training coordinator later stated -several times - that trapping does not control or limit wildlife populations, and that trappers rarely catch diseased animals. Alarmingly, none of the students questioned this reversal.

A few quotes:

> (In reference to the muskrat, the animal trappers claim must be trapped to be controlled) - "It is prolific and has a 70 to 80 percent mortality rate every year. Is trapping a limiting factor? No."

Later: "Direct harvesting has no impact on that animal at all."

The salient fact that trappers don't catch diseased animals was revealed on Sunday afternoon. When a child asked Mr. Byrne what to do if he trapped a diseased furbearer, Byrne replied: "You don't catch diseased animals; they don't get around very much. That's rare."

The discussion of furbearer population dynamics ended with Mr. Byrne comparing furbearers to tomatoes and asking students if they would pick tomatoes in the summer or winter.

Our sojourn into "wildlife education" was just as primitive, with emphasis on where and how to trap the animal (or "tomato") and what the pelt was worth. As. Mr. Byrne began to discuss land and water associated furbearers, there was no mention of the roles animals play in the ecosystem, and some discriptions of furbearers were very much at odds with what is known about the species. For example, the beaver was not a favorite of Mr. Byrne's: "Walt Disney did a great public relations job with this one. Beavers are vicious, not playful and nasty."

This revelation comes as a great shock to the thousands of beaver enthusiasts throughout the country to whom the beaver's resourcefulness, intelligence and even humor is a constant source of enjoyment and study. In addition, the beaver's ability to create its own ecosystem, from which many species of animal and plant life benefit, was not even mentioned. From this perverse definition of the animal, one must assume that Mr. Byrne's only contact with beavers has been while he was trying to kill them for their skins.

The bobcat, an extirpated species in New Jersey, was discussed as a furbearer. Mr. Byrne said that "there may be opportunities to hunt the animal in the future." This information was most interesting, since the "re-stocking" of the bobcat in New Jersey is being touted as bobcat restoration and Division of Fish, Game and Wildlife officials claim there will be no hunting of the species.

Discussed trapping techniques evolved around getting the pelt, thus how to trap the animal so it has no chance of escaping. Raccoons were cited as a particular problem because they fight the trap, and do damage to themselves and, "more importantly," the pelt. When a student asked about cases of raccoons chewing off their paws in an effort to escape ("wring off"), Mr. Byrne, biologist, replied:

> The raccoon is fighting against the trap, not pain. The leg is numb, and it is really gnawing on the trap and catching its fingers. A trapper with no foot damage [to the raccoon] is a skilled trapper. If you stay with trapping for a while, you'll have that skill.

Mr. Byrne's assertion that the raccoon feels no pain is an appallingly ignorant one that flouts scientific documentation of pain perception and sensory mechanisms in mammals. The raccoon's paw, for example, has powers of tactile discrimination proved to be of the same order as human tactile discrimination.

Further, his statement that "a trapper with no foot damage is a skilled trapper" is an unwitting indictment of trapping in general, for 86% of trappers are below the age of twenty years, with a preponderance of adolescents. Thus, most trappers are youngsters and adolescents who do not "stay with trapping" very long. Since the trapper drop out rate is highest among the young, the activity is marked by a rapid turnover: unskilled, young trappers are simply replaced by more unskilled young trappers.

At this point, Mr. Byrne began discussing "humane and selective" trapping. The words were given lip service; methods of trapping which were touted as "humane" were coincidentally justified by assuring the trapper his pelt.

One must assume that this is the division's idea of "humane and selective" trapping:

> A good trapper is selective. Otherwise, he is inefficient and this causes him problems. If you catch a dog, the issue will be blown up by animal groups and you'll be on the front page of the newspaper.

For this reason, trappers were advised not to use leghold traps in "developed" areas.

In any event, the capture of a pet dog or cat was blamed squarely on the pet owner: "Pets are the owners' responsibility. But you'll be the bad guy."

Other insights: "Don't use the leghold trap in somebody's backyard. If you trap somebody's dog or cat, what do you got? You got problems."

In discussing "humane and selective" trapping, Mr. Byrne forgot to mention the many species of wildlife, such as bald and golden eagles, deer and owls that fall victim to leghold traps and are discarded as "trash."

His final thought on selective trapping: "If you understand their behavior [wildlife], you'll make money."

At this point, Mr. Byrne introduced a conservation officer who read a few sentences from the New Jersey Compendium of Hunting and Trapping Laws.

The shooting of trap victims was discussed. Mr. Byrne asked how many in the room were familiar with rifles. Only a few raised their hands. In order to shoot trap victims, the trappers would have to be 18 years of age. In addition, they would have to take another course conducted by the division to enable them to legally use a .22 short. Since most trappers in the room were under 18 years of age, shooting was a moot point. This left the methods of clubbing, drowning, suffocation and breaking the back or neck of the trap victim to most of the children in the room. This did not seem to bother them.

Mr. Byrne said that the reason hunting and trapping laws exist is that "there will be enough for everybody."

The evening was drawing to a close. Mr. Byrne asked if there were any questions. There were very few questions from prospective trappers; most were about money.

Mr. Byrne said that trapping was primarily of "recreational benefit." He then said that "trappers are not in it for the money, because you can make more money pumping gas."

The first part of the course ended with Byrne saying that those who planned to use box traps could dig a hole for them ahead of the season and bait the area. When the conservation officer countered that this might be illegal, Byrne said there was no law "against setting them up." The conservation officer said that Mr. Byrne's position would not hold up in court, to which Mr. Byrne replied, "lots of people do it."

Thus, the evening ended with Robert Byrne, trapper training coordinator, advising trappers to break the law.

SUNDAY - IN THE FIELD

We assembled in the classroom at 9:30 a.m. Mr. Bvrne introduced us to a wildlife control officer who told us about the dyeing and waxing of traps. Traps dyed a dark color are easier to camouflage than traps which retain a steel glint. we were told. Waxing protects traps and keeps them operating smoothly.

We were briefly informed about trapping equipment: drags, stakes, chains, wire, lures, baits and diving traps for muskrats. Students were advised that they could make a box trap at home for $10 to $15, and that home-made box traps could easily catch raccoons, and that you could "catch a bunch of rats [muskrats] in a diving trap."

That box traps can be made at home, and "easily catch" raccoons should be noted, since the division of fish and game lobbies for leghold traps by declaring that box traps are "prohibitively expensive' and 'not efficient."

For public relations reasons, namely that the public tends to get upset when a leghold trapped animal is discovered in its midst, trappers were again reminded to desist in using the leghold in highly-developed areas, and were told that the box trap would prove just as "efficient" in capturing furbearers.

Wires, chains, drags and other trapping equipment are used to make it virtually impossible for a trapped animal to become free of the trap. Because raccoons ("'coons") fight the trap, it was advised to "stake them in close" or to use a drag, which is a piece of wood "at least 2 pounds - no more than 4 or 5 feet long attached to the leghold by a chain." This prevents pelt loss, we were told, because the animal "can only move about 20 feet or so and doesn't panic as much." As an afterthought, Mr. Byrne added that he thought this technique was "humane," with no further explanation. As in other cases where the word "humane" was mouthed, the true justification was in not losing the pelt.

We were advised by Joe Pappa, vice-president of the Central Jersey Furtakers Association, that one needs a good deal of brush in the area to use a drag, otherwise the animal "will go with the trap and drag and you'll never find it." He said that on a few occasions, "it took a long time to find the thing [fox], which was only 50 feet away from where I put the trap."

Since Mr. Pappa was supposed to be an expert trapper, one can only imagine what goes on during trapping seasons in which most of the participants are amateurs.

In addition, the wildlife control officer advised "drownding" (sic) for raccoons. One method recommended was affixing a weight (rock) to the leghold trap set on a bank or near watering area raccoons frequent. Once trapped, the raccoon's instinct is to dive deeper, ostensibly away from the trap. But, as the officer pointed out with a big grin, the weight pulls the animal down and prevents it from reaching the surface.

Several students seemed to find this method amusing.

Students were advised to use an extra long stake in sandy soil - about 18 to 20 inches - or the animal will pull out and travel with the leghold and stake. Again, the students found this possibility a real rib-tickler.

"'Coons have a way of pulling outa there like it was nothing," said the control officer, who seemed mildly retarded.

The control officer mentioned that improperly set traps, including one illustrated on the Woodstream flyer, would capture "non-target" animals. He said a canal set or a trap set in a runway would capture beaver and otter (populations for these species are low, but the New Jersey Division of Fish, Game and Wildlife permits them to be trapped on a "regulated" basis) and waterfowl such as ducks. Later in the day, Fred Gimble, president of the Central Jersey Furtakers Association, showed us how to use a runway set. Since no one else asked the obvious question, I asked Mr. Gimble about catching non-target furbearers, such as ducks. He seemed annoyed and said, "What will you catch? Anything you catch will be a furbearer."

"You guys go ahead and get some experience, were the control officer's parting words.

Mr. Byrne mentioned that "only 600-700 trappers in the state were skilled enough to catch foxes," which leaves over 3,000 unskilled, young trappers.

With levity Mr. Byrne announced that we were going to the [illegible] field (outside of the concrete room where the classes were held). About 20 dead raccoons and opossums were strewn on the lawn. Within my field of vision, several prospective "humane and selective" young trappers kicked the dead animals. Their behavior brought to mind Dr. Joyce Brothers' warning that exposure to the horrors of trapping evokes a sadistic response.

As we gathered about the carcasses, Mr. Byrne began to tell us how to "dispatch" the trap victims.

This is where our presence caused the course to be cleaned up and greatly altered as compared to other trapping courses conducted by the division. There had recently been a furor over the division's intent to bring trapper training into public school curricula. The public's reaction to methods used to kill furbearers was one of horror. The division was not successful in its effort.

So, Byrne omitted stomping and suffocating furbearers and breaking the necks and backs of animals by standing on a stake placed on the neck of the victim and jerking the body upward. It is ironic that Mr. Byrne did not cover these methods, for they are the most commonly used.

The students were told to "drownd" (sic) the animals. Drowning a trap victim (using a water set or water) assures the trapper his prey, and the fur is not damaged.

Steering away from the stake and suffocation methods normally used, Byrne said that the trapper should use water whenever possible. He suggested clubbing the animal, then submerging its head in water if a stream or other water source is near the trapping site. This was described as "humane" with no further comment.

Next, an almost totally unused method of killing furbearers was mentioned. Mr. Burne said that a humane option was shooting the animal between the eyes and ears. This method is the least popular of ways to kill furbearers, because bullets damage the fur. Nonetheless, and largely for our benefit, Mr. Byrne mentioned shooting furbearers and recommended that foxes be shot in the chest from the distance of one foot. Mr. Byrne said that the trapper must lie down to to this. That he was addressing a group largely comprised of adolescents who were years away from legally operating a .22 seemed extraneous.

When a young trapper asked what those under 18 year of age could do, Mr. Byrne replied, "You club it." He went on to say that the best way to do this was to hit the animal between the eyes or behind the brain. He used a small garden trowel to illustrate clubbing the dead opossum. The Pennsylvania Trapper's Guide we were given also recommended a long-handled garden trowel. This was described as "humane."

He said a "skilled" trapper could kill an animal with one blow. He did not volunteer how many blows are needed when a trapper is learning; and no one asked.

Another trapper, one of the few adults, asked what to do in "those towns where guns are banned [in the interests of public safety]." Byrne replied, "If you want to fight that [ordinances], there are plenty of groups to back you up. They have lawyers and that sort of thing."

The groups were not named.

I asked Byrne if the dead animals had been trapped. He replied, "Yes." I then asked, "How were they killed?" Byrne responded, "I don't know." When I queried about one animal in particular that looked badly beaten, Byrne answered, 'They do bleed, you know."

He then covered releasing non-target animals. The attitude here was one of annoyance. He said that "free-ranging" dogs were the pet owner's responsibility - not a trapper's - and a somewhat curious remark, "The trapper has to make a decision about whether or not he wants that dog back in his trap," accompanied by meaningful glances at the trappers, was repeated twice.

Again, Mr. Byrne's perception of "non-target" species did not include other wildlife species, possibly because occurrences of trapped bald eagles and deer do not receive as much press as those of trapped pets , and are easily concealed.

Byrne recommended releasing the dog with a hog snare, a rather long implement I cannot see too many trappers purchasing or using. He also suggested taking the animal to the dog warden.

He did not mention what to do if the animal was badly injured. Such was the man's grasp of "humane."

We broke for lunch.

In the afternoon, the wildlife control officer demonstrated now to set a leghold trap (dirt set) in an open field. We were later told bv a volunteer trapper that the open field set was a faulty one because few animals cross an open field, and those that do tend to be non-target individuals.

The control officer told trappers to wear gloves and bring a kneeling pad in order to leave no human scent.

At this point, we were placed in the hands of the vice-president and president of the Central Jersey Furtakers Association. Mr. Gimble, the president, said a few words. We then broke into two groups: one to learn the rudimentary leghold sets on land and the other conibear and leghold traps set in water. The time spent in each group was about 15 to 20 minutes.

For leghold traps set on land, we were told we could build a "cubby" set, a cute name for legholds hidden by a primitive structure of small tree limbs or rocks, or a dirt set, which is simply a leghold trap set in a hole and camouflaged with sifted dirt and leaves.

Mr. Pappa asked our group why no one was asking questions. "Are you all expert trappers?" he queried. The assorted youngsters, and the few adults, for that matter, showed no interest in the "challenge" of trapping that is so often used to justify trapping as a "sport." The only times their interest was engaged was when the instructors were speaking of killing the furbearers or the current going rates for pelts.

Elizabeth McMahon, chairman of the NJCA's wildlife committee, and I chose a dirt set. Although we were constantly surrounded by either Mr. Pappa, the wildlife control officer or Mr. Byrne (sometimes all three and bordering on cruel and unusual scrutiny), the inspections of other trappers were cursory.

We then switched to water sets using conibear and leghold traps. Mr. Gimble explained how to catch prey (beaver) with legholds. Setting the leghold near the bank of the marsh, he attached the trap to a long length of wire. He proceeded to drive a series of stakes (tree limbs), each a few feet farther out from the bank than the one preceeding it, and each a few feet apart. He explained how the beaver, once trapped, will dive away from the bank toward deeper water. With the wire attached to the trap, he said, the beaver will panic and become entwined around one of the stakes. At this point, Mr. Gimble said, "You got him. You got him then. No way he can get out of this - he does himself in." Mr. Gimble was smiling, and seemed quite proud.

I interrupted this reverie to ask how long it took the animal to drown (I had waited for someone else to ask, but they had not). Mr. Gimble paused and replied, "One minute." Here was yet another dissemblance, for it is widely-known that beavers can hold their breath for up to 20 minutes and muskrats for almost 15. Even the Pennsylvania Trapper Training Guide we were issued said that beavers stay "submerged" for 10 minutes.

Mr. Gimble demonstrated how to set conibear traps, using a runway set. Stressing that the trap was submerged in water assures the trapper that other trappers will not steal his prey, a phenomenon which must be quite prevalent, judging from the frequency of warnings on the subject. A submerged trap was also deemed as being "selective."

This time, we were asked by Mr. Gimble why no one was asking questions. "Do you know what you are doing?" he asked, somewhat skeptically.

We had our choice of setting a conibear or leghold in water. We chose a conibear propped up by tree limbs and set in a runway. After 15 minutes, everyone returned to the classroom. Out of a broad selection of trapping sets, the participants had tried but two. It was assumed that trappers try the others on their own during the trapping season.

We returned to the concrete one-room building to find the raccoon and opossum carcasses hung from the porch ceiling by their hind legs. This sight encouraged joking among the trappers.

Mr. Pappa demonstrated how to skin a raccoon. Finally, questions were being asked. They were about money and the condition of pelts.

All furs, we were told, except for beaver, are "cased." The skin is removed from the animal by slitting the fur from one hind leg to the other and through a succession of other moves, pulling the hide over the head like a sweater. The bone must be pulled out of the tail.

Mr. Pappa told us that the animals were "road kills." Mr. Byrne, who had informed us that the animals had been trapped, said, "No, they were trapped last spring and kept in the freezer." This was apparently an inside joke, because Mr. Pappa laughed and said, "In that case, we've come a long way."

Mr. Byrne's earlier statement that the animals were trapped had raised the questions of where, when and by whom. The legal trapping season had not yet started.

Byrne remarked that the 20 animals and skins were "junk" and could not be used.

While skinning, the students joked. The butts of the jokes were the dead animals. A sample: "Who's for 'possum stew?" to which a rotund youngster replied, "Not this piece of crap."

Amid demeaning epithets, the skinned bodies - which appeared shockingly meager after being stripped of their furs - were tossed in a large pile. The sound of skulls hitting together sounded like so many soda bottles.

The bodies were discarded as trash.

We went into the classroom, where Mr. Gimble spoke to us about his organization. "Trapping is a loner's sport," he said, "so we join clubs to sell our pelts for the best price. We also fight anti-trap legislation and that nonsense there." He asked the kids to join.

I was not permitted to take the test because, according to Byrne, I had not skinned and fleshed. I asked Byrne why other students (in previous courses) had gotten their certificates without skinning. He said he didn't know. And then he said, "I teach respect for the entire animal - and skinning is a part of it."

I found this comment ludicrous in light of the day's experiences - a day in which I heard animals referred to as "junk," "thing" and "crap,"; a day in which the terror of a drowning raccoon was a source of humor; a day in which the overall purpose of the course was repugnant.

The students took the open-book test, then exchanged papers for grading. Since I did not take the test, I observed Mr. Byrne signing all the certificates before the test was over.

Everyone received their trapping certificates except me. I feel this is a curious distinction, since before my enrollment in the course it appeared as easy to get a trapping certificate as it is to scratch one's elbow. To my knowledge, no one has ever failed the New Jersey trapper training course. It appears strange that the one person not granted a certificate is an officer of Friends of Animals, Inc It may, in fact, attest to my sanity.

SUMMARY

While strongly opposed to trapping, the simplistic nature of the course, which was saturated with misinformation, inaccuracies and contradictions, startled me.

The characteristics of the trappers I was around - as manifested by their remarks and actions - indicated a complete lack of regard for, indeed, an unawareness of animal suffering and a contemptuous attitude toward the animals whose skins they sell. These youngsters were indisputable proof of Dr. Joyce Brothers' and child educators' analyses that cruelty to animals desensitizes the perpetrator.

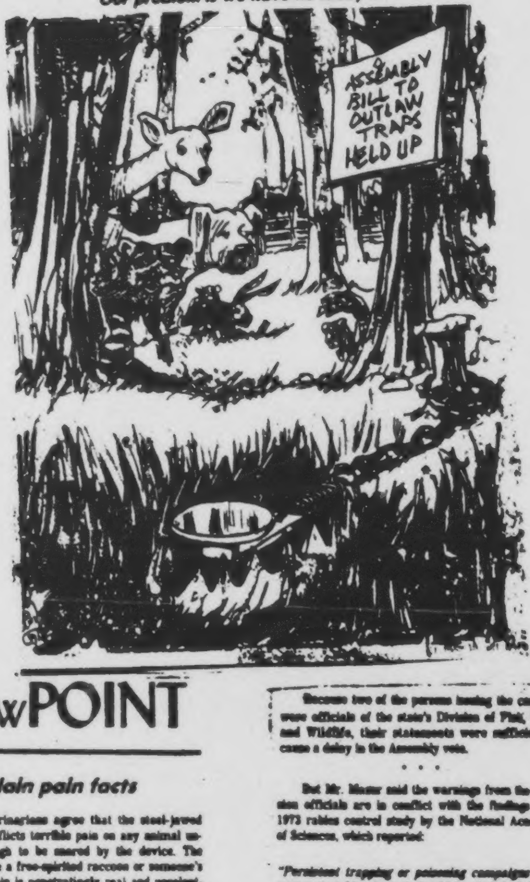
It is my opinion that the trapper training course, offered by the Division of Fish, Game and Wildlife as an "alternative" to banning the leghold trap, is nothing more than the political cushion they had hoped it would be. The course, the caliber of instructors, and the subject matter are an embarrassment to the state.

As the trapping season starts, one shudders to think of what raccoons, beavers, otters, foxes, opossums and other animals are enduring at the hands of kids who could not resist kicking the dead animals used in the course. With the imprimatur of the state, these school boy trappers are armed with garden trowels, inhumane traps, rocks, clubs, axes or anything else they can think of in the pursuit of this perverse recreation. It is a chilling thought.

The Star-Ledger

Thursday, May 12, 1983

'Our problem is we have no lobbyist!'


ASSEMBLY BILL TO OUTLAW TRAPS HELD UP

VIEWPOINT

Plain pain facts

Most veterinarians agree that the steel-jawed leghold trap inflicts terrible pain on any animal unfortunate enough to be snared by the device. The victim could be a free-spirited raccoon or someone's pet dog; the pain is penetratingly real and unrelentingly, agonizingly the same.

Assemblyman D. Bennett Mazur (D-Bergen) has come to the rescue of creatures unable to protect themselves against this barbarity. He has sponsored a bill, A-3027, that would prohibit the production, sale, possession or use of the leghold trap—a comprehensive piece of legislation that firmly rules out excuses or exceptions.

The bill was released from the Assembly Commerce and Industry Committee and appeared headed for easy enactment. But the measure became embroiled in controversy because of statements made by New Jersey wildlife officials that banning the trap could have an unfavorable side effect. Without the traps, they claimed, there might be an increase in rabies cases.

Because two of the persons issuing the cautions were officials of the state's Division of Fish, Game and Wildlife, their statements were sufficient to cause a delay in the Assembly vote.

• • •

But Mr. Mazur said the warnings from the division officials are in conflict with the findings of a 1973 rabies control study by the National Academy of Sciences, which reported:

"Persistent trapping or poisoning campaigns as a means to rabies control should be abolished. There is no evidence that these costly and politically attractive programs reduce either wildlife reservoirs or rabies incidence. The money can be better spent on research, vaccination, compensation to stockmen for losses, education or public warning systems."

It is regrettable that the rabies problem has been raised as an argument against a humane bill to outlaw a brutal anachronistic device that should have no place in an enlightened state. The Assembly should make up for time lost and promptly approve the Mazur legislation to ban this unnecessary instrument of torture.

Man's inhumanity to man will persist as long as man's cruelty to animals is countenanced.

CAMDEN COURIER-POST JULY 1/83

Time to ban leghold trap statewide

Legislators know well the courtroom tactic. When the facts are on their side, they will argue the facts; if not, they will try arguing the law. When neither is on their side, they can be counted on to pound the table.

The thumping was never as loud as it was when South Jersey legislators tried to defeat a proposed ban on the leghold trap. Having no convincing case to make for the continued use of the devices, the lawmakers tried to raise a little dust. Those North Jersey fellows, damn their eyes, are trying to dictate what's best for South Jersey, they said.

If the effort revived the South Jersey secessionist movement, we are not aware of it, but the persuasive effect on the Assembly is a matter of record. The ban on the leghold trap passed 46-17 and now awaits action in the Senate.

If the upper house confines its consideration to the merits of the bill — it would prohibit the use, sale, possession or manufacture of the traps — it will find cause to give it similar approval.

The essential issue is as clear now as it was 10 years ago when federal legislation was considered that would have banned the leghold trap nationwide. The devices are inhumane. They inflict needless pain on wild creatures and sometimes on domestic animals. Humane alternatives to the leghold trap exist, and, if such devices impose an economic penalty on the few who profit from trapping, so be it. They have no license — no more than a strip-mine operator or an oil company — to exploit a natural resource without moral or ethical restrictions.

The use of the leghold trap is not even consistent within New Jersey. It is already illegal in 10 counties, including Camden and Burlington. The Legislature, despite the current protestations of its South Jersey members, has seen fit in the past to grant the more rural counties a waiver on the trap ban. But that accommodation did not come with an eternal guarantee. It is time, therefore, to bring all 21 counties into compliance.

What's more, it is time for legislators to admit that the state's small trapping industry — $4 million annually, the state estimates — won't disappear because of the ban, which, after all, does not outlaw trapping per se. It's time too that they concede that the leghold trap isn't indispensable in controlling animal population and disease. In fact, trapping has been shown to be an inefficient way to achieve either goal. To suggest otherwise is just more pounding on the table.

Editorial in The Courier-Post, Camden, N.J.
July 1, 1983

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NEW YORK

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SUSAN RUSSELL
Education Director

NEW JERSEY TRAPS

(insert: animals in leg-hold traps) This is a leg-hold trap. It's used in the woods to brutally trap and hold small animals. The device is barbaric and should be outlawed. The jaws snap hard, sometimes breaking the leg of the unfortunate creature that wanders into its clutches. The animal may suffer excruciating pain for days until it dies or is found and killed by a trapper. The leg-hold trap is indiscriminate. This pet had its leg amputated after being injured in a trap. Animals have tried to chew off their feet in attempts to free themselves. The cruelty of the trap demands that its use be outlawed. (end insert)

In New Jersey legislation has been passed by the state Assembly that would prohibit the sale, manufacture and use of the device throughout the state. The legislation has widespread popular support but opponents have been able to hold the bill in Senate committees and prevent it from coming up for a vote.

Unfortunately, time is running out. To have the ban on traps become law this year, legislation must be passed before the end of the legislative session this December; and advocates of the bill say one man can assure that the Senate will comes to a vote. That man is Carmen Orechio, the president of the New Jersey Senate.

Let Sen. Orechio know you want this legislation voted on this session. And let your state senators know you want an end to the brutal leg-hold trap. Passage of the legislation in New Jersey will help pave the way for passage of similar legislation in other states, including New York. Now, during trapping season, when these traps are snapping mercilessly, is the time to act.

Presented by Sue Cott, Director of Editorials, WCBS-TV
November 15, 1983 at 6:55 PM
November 16, 1983 at 6:25 AM

Times THE NEW YORK TIMES, SUNDAY, OCTOBER 2, 1983 | 31

ENVIRONEWS

Leo H. Carney

THE RAPTOR TRUST in the Morris County community of Millington, a nonprofit bird rescue and rehabilitation center, has documented the first endangered species in New Jersey to be maimed in a steel leghold trap.

The devices are used by 4,000 to 5,000 trappers in the state to catch fur-bearing animals for their pelts.

Leonard J. Soucy Jr., president of the trust, said in an interview last week that the injured bird was a first-year Cooper's hawk, a rare species in the East that has experienced a fate similar to that of the peregrine falcon.

The male bird, with a wingspan of about 28 inches, was turned over to the trust several weeks ago by employees of the Clinton State Wildlife Management Area.

"It was found dangling upside down in a trap somewhere near the Spruce Run Reservoir and had been caught by the toe," Mr. Soucy said.

"The tarsus bone at the ankle broke and formed a callous, and so the bird healed with an arthritic joint. The bird is wasted. I'm not sure what I'll do with it, but I'll probably band it and let it go. It has a small chance of surviving."

Since 1977, the trust has treated 10 birds of prey that had been maimed like the Cooper's hawk. These included three great horned owls, a barred owl, three red-shouldered hawks and three red-tailed hawks. The barred owl and red-shouldered hawk are on the state's threatened-species list, a category that indicates conservation efforts are needed to save the species.

Also since 1977, Mr. Soucy said, the trust has received 20 other raptors "with serious leg injuries that I suspect were caused by leghold traps, although I lack proof."

"Because these traps are set illegally and are not required to be reported to any state or Federal officials," he said, "I suspect that what we're seeing in the way of injured animals is only a very minute percentage of the damage."

Most raptors injured by the traps eventually die because of the loss of a leg or even a toe, Mr. Soucy said.

"They don't keep very well in captivity," he explained. "Of the birds that we use for public educational displays, I'd much rather have a one-eyed bird or one with an injured wing than one with foot problems. These trapped birds eventually are all wasted; we have to euthanize them."

Mr. Soucy has handed over his information to other animal welfare organizations, including Friends of Animals Inc. of Neptune, that are supporting a measure that would ban the leghold trap.

The bill, introduced by Assemblyman D. Bennett Mazur, Democrat of Fort Lee, is being blocked in the Senate Natural Resources and Agriculture Committee by State Senator Raymond J. Zane, Democrat of Woodbury.

At hearings in Trenton some months ago, officials of the state's Division of Fish, Game and Wildlife, an arm of the Department of Environmental Protection, testified that they did not know of any endangered species caught in a leghold trap and that the device posed no danger to nongame species.

The division has been a staunch supporter of trappers' efforts to retain use of the leghold trap, which has been banned in 60 foreign countries and several states.

Energy Fair on Tap

Although there have been significant reductions in recent years in the Federal Government's commitment to developing solar energy, private organizations, such as the South Branch Watershed Association, have been trying to pick up the slack.

The association's second annual Energy Fair next Sunday will be held at the Flemington Fairgrounds, beginning at 9 A.M.

The association believes that the less fuel burned and the more efficiently it is used, the less consumers will have to pay. In turn, according to association officials, there will be less air pollution, less waste of natural resources and an increase in recycling.

The association will waive the $1 adult admission fee for anyone bringing to the fair a bag of aluminum cans or newspapers for recycling.

Last-minute exhibitors — there are more than 30 signed up already — can call Denise Naidu at (201) 782-5613.

For those interested in sponsoring their own fairs, an organization called the Center for Renewable Resources offers a free booklet, "So You Want To Have An Energy Fair." It can be obtained by writing to the center at 100 Connecticut Avenue, Washington, D.C. 20036.

The Solar Energy Research Institute offers "A Guide to Organizing Local Solar Events" for $8.50, postpaid. This includes more than a dozen case studies of successful solar- and energy-conservation events and how to put them together.

The booklet is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Household Consultant

Susan Norris Hnatt of Secaucus, an environmental activist of long standing, probably is the first person in New Jersey to claim the title of "environmental household consultant."

For a fee, Miss Hnatt, a nurse, writer and former schoolteacher, will rummage through a homeowner's garbage, garage and cabinets and formulate a plan for saving "hundreds, if not thousands, of dollars a year," she says, through recycling, energy conservation and health tips.

In an interview last week, Miss Hnatt said:

"I'll be frank with the people by looking in closets and cabinets to point out useless, wasteful or even dangerous products and making the people realize what they've chosen as average consumers entrenched in today's advertising campaigns.

"They've lost the ability to discern good, necessary items from harmful, frivolous ones."

Miss Hnatt is a summa cum laude graduate of Kean College in Union. Information on her fees can be obtained by writing to her at 497 Egret Lane, Secaucus, 07094, or calling (201) 348-6898.

For Hungry Birds

In October, some birders' thoughts turn to backyard feeders, a growing abundance of which are now largely responsible for the presence of cardinals and other former migrants almost the year round.

Owl Haven in Tennent, Monmouth County, one of the bird sanctuaries operated by the New Jersey Audubon Society, is offering a series of "Bird Food Savings Days," whereby homeowners and others can stock up on large quantities of things such as sunflower seeds, mixtures of wild-bird feeds, thistle, suet and seed cakes.

For further information, call Owl Haven at (201) 780-7007. ■

Trap Hearing Starts Dispute

By LEO H. CARNEY

ASSEMBLYMAN D. Bennett Mazur, Democrat of Fort Lee, has charged that state wildlife officials, to support fur trappers and the continued legalization of steel leghold traps, gave false and misleading testimony at a recent legislative hearing.

The officials have denied the charges.

The testimony, he said, prompted him to draft a bill making it a misdemeanor for anyone to knowingly give false information to a legislative committee.

Mr. Mazur said that he had been informed by legal counsel to the state's Office of Legislative Services that there was no offense or penalty for lying to a regular legislative committee. Only if a committee has been given subpoena powers through a special resolution of the entire Assembly or Senate — a rare occurrence — can a witness who testifies falsely be charged with perjury, he said. In these special cases, he noted, witnesses are under oath.

He said his proposal would have all witnesses before all legislative committees sworn before testifying.

The testimony of three officials of the Division of Fish, Game and Wildlife, an adjunct of the Department of Environmental Protection, Mr. Mazur said, "largely contradicted published information from their own division and was also in direct conflict with professional information that they should have been aware of."

The hearing was held in March by the Assembly's Commerce and Industry Committee. Mr. Mazur is its vice chairman and sponsor of the so-called "leghold trap bill," the first to have cleared a legislative committee in the 10 years in which animal welfare groups have pressed for it.

Mr. Mazur said that the testimony's "sole purpose was to defeat the bill through false information."

"Every bureaucracy has a certain unique interest of its own," he said. "In the case of the Division of Fish Game and Wildlife, that interest appears to be to have a shotgun and a leghold trap behind every door."

The officials are Russell A. Cookingham, director of the division; Dr. Douglas E. Roscoe, its wildlife pathologist, and JoAnn Frier, a conservation officer and biologist in charge of the division's Endangered and Nongame Species Program.

Mr. Cookingham and Dr. Roscoe said separately that their testimony had been based on valid scientific findings of the United States Public Health Service and of highly respected wildlife research institutions.

Miss Frier, in her testimony, had said that leghold traps had had no significant impact on nongame or endangered species.

Mr. Mazur said that if her testimony had been "given under oath, she would have committed perjury." He was alluding, among other things, to research done at the University of Minnesota between 1972 and 1981 that showed that hundreds of bald eagles and other raptors had been killed or maimed in leghold traps.

Miss Frier's agency has been coordinating a much-publicized bald eagle restoration and management program in Cumberland County.

In replying to Mr. Mazur's charges, Miss Frier said in a telephone interview that what might be true for bald eagles in Minnesota was not necessarily so for bald eagles and other raptors in New Jersey. She said she knew of no widespread injury to nongame species from leghold traps.

"If animal welfare groups have data I haven't seen," she added, "I'd like to see them because I want to protect endangered and nongame species too."

The long-standing controversy over trapping has frequently pitted the division against such groups, which charged last week that there was "an underworld of trapping" in the state.

In an interview Susan Russell, education director for the Friends of Animals [illegible] of Neptune, said that unlicensed trappers were common, that uninspected raccoon and muskrat meat was sold to the public and that there was little [illegible] against illegal trapping and poaching.

In addition, Colette Behm, an enforcement officer for the American Society for the Prevention of Cruelty to Animals in Hampton Township, Sussex County, said that the bobcat, a rare nongame species, was being illegally trapped for its fur in Sussex and Passaic Counties.

Recognizing the widespread problem of illegal hunting and trapping, the state division announced a cooperative bounty program earlier this month. It provides $100 and $200 rewards for those who inform on game poachers or hunters who trap endangered or nongame species.

Mr. Cookingham reacted sharply to Mr. Mazur's charges, saying that he had "the most competent biologists anywhere working for me, and they can back up what they say."

"I would welcome an investigation of the division," he added, "but I get a little annoyed when the professional reputation of my people is taken to task."

Dr. Roscoe reiterated that there was a "very great" probability of rabid raccoons from Southern states and the southern-central portion of Pennsylvania spreading rabies to New Jersey. Regular trapping, he said, is an "effective means" of rabies prevention.

Dr. Roscoe, whose doctorate in wildlife pathology is from the Northeast Research Center for Wildlife Diseases, part of the University of Connecticut, said that the state division's views on trapping and management were supported by that institution, as well as the Southeast Wildlife Disease Unit in Georgia.

The humane groups and Mr. Mazur point to the National Academy of Sciences, the Raptor Research and Rehabilitation Center at the University of Minnesota, the United States Centers for Disease Control and other academic institutions as their justification for banning the leghold trap.

In addition, they said that 64 nations and seven states had banned the traps as cruel and inhumane.

Essentially, Mr. Mazur's leghold bill would ban the sale or use of the device, which is used to trap some 440,000 raccoons, beaver, red and gray foxes and other fur-bearers that are sold legally for their pelts each year.

Mr. Mazur is supported by the New Jersey Veterinary Medical Society, the New Jersey Congress for Animals, the Friends of Animals, the A.S.P.C.A. and an association of foxhound owners.

In addition to the division, proponents of the leghold trap include the New Jersey Trappers Association, the South Jersey Fur Takers and the American Fur Resources Institute.

There are 4,000 licensed trappers in the state, according to the division, and several auction sites in northern, central and southern New Jersey.

Between 20 and 30 buyers of raw fur are in business, not including an unidentified number of "local" buyers who "fade in and out of the business," according to one state wildlife official.

The state division's Bureau of Wildlife Management reported that in 1981 and 1982 trappers received $3.1 million for pelts, which ultimately sold for $9.3 million on the retail market.

Total commerce generated by trapping — pelt sales, traps, paraphernalia, gasoline and other revenues — was estimated to be $18.6 million last year, down from the $22.2 million said to have been generated in 1981. ■

NEW JERSEY
WEEKLY

STATEMENT OF FLOYD KUCHARSKI, HUNTER, IN SUPPORT OF A BAN ON THE LEGHOLD TRAP
201-254-1939

My name is Floyd Kucharski. I am president of the New Jersey Hound Association. I am a licensed hunter and a former trapper. I appreciate this opportunity to represent hunters and their grievances about the loss and maiming of their hunting dogs by leghold and killer-type traps.

Steel jaw leghold traps and hunting dogs don't mix. Leghold traps were barred in upland situations until the Hughes administration. Now, for no reason, they are allowed.

The leghold trap is unbelievably cruel and indiscrimate and catches any animal that touches the pan. The trap does not ask "What am I supposed to catch?"

The reason killer traps, the Conibear, are being used on land is because the Game Division permits the use of what is known to be an outrageously cruel and' indiscriminate device. The same is true of the leghold trap. Because they can use this awful device, they feel free in bringing any trap into the woods.

The reason hunters are being kept out of many properties is because of the bad name of trappers and traps. Farmers and the public are associating trapping with hunting. And they are wrong. What we do is a sport. What trappers do with the leghold trap is to maim and kill wildlife and pets for pin money.

Hunters carry the brunt for this group. In addition we are losing our best dogs to leghold traps and we resent the maiming and killing that trappers do in the name of sport.

We want this trap banned throughout the state. Better yet, we want all trapping banned.

Although all kinds of animals are caught in leghold traps, we started documenting the cases of hunting dogs in 1980. From December 1980 until today, we found the following types and number of hunting dogs lost to or maimed by dangerous traps:

1. Killed: 4 Walker fox hounds in leghold traps. Three of the animals had heads bashed in by trappers.
2. 1 Walker fox hound in a 330 Conibear trap - dead.
3. One blue-tick coon hound, 1 red bone coon hound and one black and tan coon hound and one beagle. Conibear trap. Dead.

In addition, these many dogs:

DOGS THAT NEVER RETURNED

5 Walker fox hounds, 1 Beagle. Each bore a collar with name-plate, telephone number. Each dog was a "homer."

DOGS CAUGHT

2 Walker fox hounds, one Walker coon dog, one red bone coon dog, one beagle. Markings on paws were of leghold traps. Crippled.

DOGS FOUND IN LEGHOLD TRAPS AND RELEASED BY OWNERS

9 Walker fox hounds, 1 Beagle, 1 Brittany Spaniel.

WHY AND HOW DO THE DOGS GET CAUGHT?

The dogs follow the scent of foxes, raccoons and rabbits. They go by scent. And where the game goes, the dog follows. The game animal uses pathways, hedge rows, deer runs, foot paths, rabbit runs, streams, ponds, storm sewers, pipes - the works.

The leghold traps are set all over the place. Bait used for raccoons and foxes attracts all animals - both wildlife and domestic. Wherever there is a sign of a furbearing animal - regardless of the location - traps are there, too.

When the hunting dogs are trailing, they get out of your sight and hearing. A hunter cannot go through a briar patch or pond in pursuit - the dogs have to go off on their own. Because of wind or terrain or water, it is impossible to keep the dog within sight.

DOGS INJURIES: HOW THEY HAPPENED, WHAT KIND OF TRAP - EXTENT OF INJURIES

1. 4 Walker hounds: Out running the dogs. Got on the scent of a fox. The hunter had eighteen dogs, at the end of the day 3 were missing. Looked for them constnatly for three weeks. At the end of three weeks, a rabbit hunter said his beagle had found one of the dogs, which still had identification tags on it, buried under leaves next to a hedge row and drainage ditch. The dog had been caught in a leghold. Its head was bashed in. The owner of the hunting dogs found the other 2 in the same condition, farther down the line.

2. The fourth walker fox hound was found dead in a leghold.

3. Another Walker fox hound in a Conibear trap: Caught in a 330 Conibear on Bella Plain State grounds. Out with a pack of dogs running foxes. All dogs returned except one. The hunter, who lives right across the street from where the animal was lost, went looking for him. Found him in the trap. Rough time getting game warden. The trapper was found and told to remove 5 additional conibears he had set in the area. Found guilty but still retained his trapper's license.

4. One blue tick coon hound. Hunter no more than ten yards away from him. Heard the trap snap. Conibear so difficult to jar open, and so much pressure is needed, that it was impossible to save the dog.

5. Hunters reported red bone coon hound, blue tick and beagle lost to Conibear traps. Found dead.

6. Five walker coon hounds. Went hunting. Dogs picked up scent and started running. Never returned. The dogs were "homers" and had ID tags and telephone number. If at all possible, they would have returned home. Or, if hit by a car, their deaths would have been reported. They were victims of traps.

7. Dogs caught and crippled: Two walker fox hounds, one walker coon dog and one red bone coon hound and one beagle.

8. Two walker fox hounds. Hunters reported finding dogs in steel-jaw traps. Both crippled.

9. One walker coon hound: Five steel-jaw traps set by a tree. Crippled.

10. One red bone coon hound: Crippled.

11. One beagle . Leg chopped off.

DOGS FOUND IN LEGHOLD TRAPS AND RELEASED

9 Walker fox hounds, one beagle, 1 Brittany Spaniel.

The Courier-News Local

B1

Thursday, March 10, 1983 ● ●

Trapper guilty of trespass, license violations

By FORREST S. CLARK
Courier-News Staff Writer

HILLSBOROUGH — In one of the first such cases tried in Somerset County, a raccoon trapper was found guilty last night of trespassing and failing to properly display his license.

Christopher Dikovics of East Orange was fined a total of $60 on the two charges by acting Municipal Court Judge Henry Rasmieniewski after a trial in which the defendant said he had permission to trap on the property of Otto Paerschke on Blackpoint-Montgomery Road.

Paerschke testified last night he had not given Dikovics permission to trap on his land.

The charges were filed in connection with an incident on Nov. 17 after a German shepherd belonging to resident Gilda Hoffman got caught in a steel leghold trap. Hoffman said she has permission to walk her dog on Paerschke's property and was doing so when her dog became trapped in one of Dikovics' traps.

Dikovics testified that because he thought the property was not posted, he could go on the land and set traps and that Paerschke had given him permission. He said he did not see any no-trespassing signs posted on the property.

"I am shocked and astounded that this defendant should say that because the property or any property is not posted he could go on the property and set traps," Rasmieniewski said. "This is astounding, it is stupidity and it is defiant trespassing."

Dikovics said it "was customary" among trappers in New Jersey to do so and that many lands not posted exist throughout the state as in Sussex County and the Pinelands. He said many such properties exist in Hillsborough.

He said he thought he "had a right to trap unless asked to leave by the owner."

The judge said he found the position taken by the defendant "to be incredible and it shocks this court. This kind of thing is a menace to people and to animals in this state."

Dikovics contended that Paerschke told him he really didn't want to sign a complaint against him but that he was "being pressured" to do so by his neighbors following the Nov. 17 incident with the Hoffman dog.

But Paerschke and Hoffman denied this and another neighbor, Samuel Brooks, said he also knew that Dikovics had been warned not to trap on the land.

Emil Qwasnik of Branchville, a director of the New Jersey Trappers Association, said he had tried to "smooth things" over between Dikovics and the residents in

ary but he denied that just becaus the land is not posted a person coul trap on it.

The judge said Dikovics admitte he was not displaying his trappin license on his clothing and yet th law states that the license must b displayed. He found Dikovics guilt of the charge and fined him $10 an found him guilty of the trespassing charge and levied a $50 fine. In addition, Dikovics must pay $25 court costs on both charges. The judge said these were the maximum penalties

The Star-Ledger

Saturday, September 10, 1983

Pet owner assails leghold traps

DEAR EDITOR:

In rebuttal to the letter written by John Murphy of Berkeley Heights:

Pets and wildlife are not "two different things." They both have a central nervous system and they both feel pain. Furthermore, any animal caught in a leghold trap cannot be released "unharmed."

These traps snap shut on a limb with a force great enough to sever a bone, which they often do. The blood supply is cut off from the trapped part of the limb and in a relatively short time gangrene occurs, at which time the trapped part of the limb must be amputated. If Murphy feels that the trap doesn't cause any harm, he should try a bear-sized trap on his own hand, since a large trap is the size a regular leghold is to a tiny raccoon.

My pet cat was caught in such a trap which, fortunately, was not staked down. She was caught on the fore thigh and was in the trap for a very short time.

Her leg swelled up like a balloon, she was covered with blood and required one week of hospitalization, antibiotics, warm saline soaks and we had to consider possible leg amputation. "Harmless?" Hardly.

This trap was found on my property. I live in a residential area—a child could have been a victim of the trap.

I truly resented having this trap on my property.

Irresponsible people have access to leghold traps. These instruments are cruel and inhumane. They have no place in a civilized society.

Responsible legislators should outlaw them, and a responsible public should see that they do.

Elane Nodelman,
Englishtown

TOY MANUFACTURERS OF AMERICA

May 27, 1982

Ms. Susan Russell
Friends of Animals
11 West 60th Street
New York, N.Y. 10023

Dear Ms. Russell:

The Toy Industry has spent a substantial amount of money to insure that our products meet rigid safety standards. While it is difficult to be precise on amounts, our expenditures are reflected as follows:

1. Development of a Voluntary Product Standard which is estimated to have cost us one million dollars.
2. Each company has purchased testing equipment and set up laboratories specifically designed for toy safety.
3. Substantial resources are expended in time to communicate our standards, train personnel, update, etc.

While there was some resistance at the start, I believe the industry now recognizes that these expenditures improved the products, helped increase sales and gave new confidence to our consumers. Once people move from the narrow issue of "if" and get to "how", my judgement is that creative innovation always improves the situation.

Good luck in your program.

Yours very truly,

Douglas Thomson
President

DT/ik

—11—

200 FIFTH AVENUE · NEW YORK N Y 10010 / PHONE (212) 675 1141

THE NEW YORK TIMES, TUESDAY, FEBRUARY 13, 1979

Trapped

By John B. Oakes

The men and women who carelessly toss the furry skin of a wild animal across their shoulders — just as their ancestors did in the forests of Northern Europe and Asia several thousand years ago — may not know it, and if they do, surely prefer not to think about it, but with few exceptions what they're really doing is flaunting evidence of many hours or even days of torture suffered by each wild animal whose pelt they wear.

There is no escape from this ugly fact, nor can it be hidden either by ridicule of the "do-gooders" who are trying to put a stop to this anachronistic form of cruelty or by the false claim that abolition of the steel leg-hold trap will destroy the fur industry.

For those who prefer facts to emotion on this touchy subject, a look at the facts will show that:

- The steel leg-hold trap, as normally used on land throughout the United States and Canada, is a monstrously brutal method of capturing wild animals.
- The overwhelming preponderance of wild (as distinct from ranch-raised) animals whose pelts are used in the American fur industry are caught by the steel leg-hold trap although more humane, if more expensive, alternatives are available.
- Use of this trap has already been outlawed or restricted in a number of fur-producing countries and in a few American states.
- The recent shift in fashion toward "fun" furs has raised the demand (and prices) for pelts of relatively common wild animals, usually taken by this barbaric device.

When the steel trap is sprung on an animal's leg, the traumatic effect has been compared to that of a car door smashing a human finger caught between the hinges. But (unless the trap has been set underwater, in which case the animal fairly quickly drowns) the agony does not end there; it only begins.

The trapped animal will almost certainly thrash wildly about in terror, rage, pain and panic, breaking its teeth on the steel trap or the chain that holds it in place. Occasionally the victim will succeed in gaining freedom, after hours of struggle, by wrenching or biting off its own foot at the point where the steel jaws have already dug into the bone. This is known in the trade as "wring-off" and the animals that thus leave one paw behind them are the lucky ones.

The others — the vast majority of the millions trapped on land each year — are eventually worn out by the struggle and lie inert and exhausted, without food or water, until the trap line is visited, which may easily be two, three or more days later. At that point, the victim at last is put out of its misery, usually by clubbing or strangulation — provided it has not already starved or frozen to death. It has been estimated by Government trappers (and the United States Government is the biggest single trapper of all with its indefensibly wasteful predator-control program) that about 75 percent of the unwanted animals caught in traps set for other species are so badly injured that they have to be destroyed.

More than six and one-half million muskrats and three million raccoon were trapped and killed in the United States in 1976-77, nearly 175,000 coyotes, 21,000 badger, etc., etc. — to a total of more than 16 million wild animals in that year alone, taken by an estimated two million trappers, licensed and unlicensed.

Various substitutes for, or modifications of, the leg-hold trap have been tried but are not in general use in this country, except perhaps for an "instant kill" trap that has its own dangers and defects.

Nearly a dozen countries, including Denmark, Norway, Sweden and the United Kingdom, forbid use of the steel leg-hold trap. So, to a limited degree, do a few American states, including New Jersey, where a battle is going on right now to extend the prohibition to all counties in the state. Senators Harrison A. Williams of New Jersey and Birch Bayh of Indiana have introduced comparable legislation at the Federal level.

The fur industry itself has been enjoying an economic revival in the last few years, sparked in part by the new emphasis on "fun" furs trapped in the wild. The rise and use of wild-animal furs (80 percent of which in the United States are caught in the steel leg-hold trap) accounts for a significant part of what today has become a $700 million business.

That's why it's becoming more urgent than ever that the abominable cruelty of the leg-hold trap and the needless suffering it entails be brought to the attention of otherwise sensitive men and women who through ignorance or indifference don't hesitate to wrap themselves in the skin of an animal that probably died under frightful torture.

John B. Oakes is the former Senior Editor of The New York Times.

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friends of animals, inc.

11 West 60th Street, New York, N.Y. 10023 • (212) 247-8120

Office of the President
Alice Herrington

Random Survey of Veterianarians
1982-83 Trapping Season

March 1983

Elizabeth McMahon of the New Jersey Congress for Animals telephoned 39 veterinarians and found 33 cases of injured domestic animals and one raccoon. The veterinarians contacted represent but a small fraction of the 800 in the state.

Dr. Michael Hennessey, Vineland: One dog. Foot missing, broken bones.

Dr. Paul L. Henrich, Newton: 3 or 4 domestic animals this year. Said the Division of Fish and Game also called.

Dr. Leon Margolin, Vineland: 1 dog. Mangled leg.

Dr. Bert Allen, Haddon Heights: 1 cat

Dr. Charles Bell, Marlton: 5 cats and 4 dogs. Injured.

Dr. John Bridenbaugh, Newton: 5 domestic animals, including his own cat.

Dr. Alexander Cojocar, Hackettstown: 1 cat.

Dr. William Gray, Newton: Averages "3 to 5" per season.

Dr. Bernard Nilles, Toms River: 1 raccoon.

Dr. Emil Perona, Andover: 4 or 5 dogs and cats.

Dr. William Platt, Middlesex-Bound Brook: Reported 1980 case of dog's tongue ripped out of mouth.

Dr. Randolph Wayne, Flemington: 2 cats.

Dr. Honey Rothberg, Marlton: 1 cat, leg amputated.

Dr. Bogner, Belle Meade: at least 1 cat. Leg amputated.

Dr. Donovan Vezin, Cape May: 2 pets.

INJURIES ATTRIBUTED TO: LEGHOLD TRAP

njas
new jersey audubon society
P O BOX 125 • 790 EWING AVENUE • FRANKLIN LAKES, N J 07417 • (201) 891 1211

POSITION PAPER - LEGHOLD TRAP

January 31, 1984

The New Jersey Audubon Society is opposed to the use of the leghold trap because of the trap's non-selective nature. The leghold trap does not distinguish between "target" and "non-target" species. We find that there is significant documentation which indicates that the leghold method destroys many non-game, threatened and endangered species. Therefore, we support legislation that would ban its use in New Jersey.

Thomas J. Gilmore

Thomas J. Gilmore,
Executive Director

CAPE MAY BIRD OBSERVATORY Box 3 Cape May Point 08212 (609) 884-2736 • LORRIMER NATURE CENTER 790 Ewing Avenue Franklin Lakes 07417 (201) 891 1211 • OWL HAVEN, P O Box 26, Tennent 07763 (201) 780 7007 • RANCOCAS NATURE CENTER Rancocas Road Mount Holly 08060 (609) 261 [illegible] SCHERMAN/HOFFMAN SANCTUARIES Hardscrabble Road Bernardsville 07924 (201) 766 5787

Sierra Club
NEW JERSEY CHAPTER
360 Nassau Street, Princeton, N.J. 08540
(609) 924-3141

[illegible]

LEGHOLD TRAPS

The Sierra Club restates its opposition to the use of leghold traps because of their non-discriminatory nature. There is adequate documentation to demonstrate the lack of discrimination between target and non-target wildlife when leghold traps are used. Leghold traps have been responsible for the destruction of threatened and endangered wildlife and other non-target species. It is not possible to use any form of leghold trap in a manner that guarantees the taking of target species only.

Robert C. Hughes
Wildlife Coordinator

JOHN F. SYTSMA
Chairman

W. J. WANKE
Vice Chairman

B of L E Building
Cleveland Ohio 44114

E. L. McCULLOCH
Secretary &
National Legislative
Representative

818 Railway Labor Building
400 First Street, N.W.
Washington, D.C. 20001

Brotherhood of Locomotive Engineers

National Legislative Board

April 21, 1983

Ms. Alice Herrington, President
FRIENDS OF ANIMALS, INC.
1 Pine Street
Neptune, New Jersey 07753

Dear Ms. Herrington:

In behalf of all the families and friends of the Brotherhood of Locomotive Engineers, I want to salute you for your organization's efforts to ban the use of the very inhumane steel jaw leghold trap.

We recognize that over 50 countries of the world have banned this barbaric device without economic hardship or animal, human health or agricultural problems. It is our sincere hope that we will soon join these other progressive countries of the world and register a higher quality of sympathy for other living things.

We are not unmindful of the concerns being expressed about unemployment. However, we do feel that is fallacious because of the proven effective alternatives provided in other traps. The Conibear, for instance, has been proven equally as effective as the leghold trap and is far more humane in that the animal is killed instantly. Since there are these alternatives out there and the fact that so much of our fur does not come from the wild but our fur farms, we believe the argument that our fur trade would be interrupted is just not so.

We extend our sincere good wishes for your continued success in your drive to minimize the suffering of living creatures.

Sincerely,

E. L. McCulloch

E. L. McCulloch, Secretary and
National Legislative Representative

STAGE EMPLOYEES LOCAL ONE, IATSE, AFL CIO
Theatrical Protective Union
1775 Broadway, New York, N Y 10019
(212) 489-7710
Organized 1886
Affiliated 1893

April 7, 1983

Honorable Bennett Mazur
Vice Chairman
Commerce and Industrial Committee
State House, Room 317
Trenton, NJ 08625

Dear Mr. Mazor:

Local One, IATSE whose many members live and vacation in New Jersey strongly support the antileghold trap bill, A3207, which bans the manufacture, sale and use of the steel-jawed leghold trap in the State of New Jersey.

Psychologists believe that children and so called hunters who use the leghold trap are practicing cruelty to animals and it is one of the criteria of identifying a severly disturbed child. In our opinion, the leghold trap should be banned.

Many of our members who vacation in the mountains of New Jersey and love to roam through the woods are afraid for their children and pets. They may get hurt by the indiscriminate use of this cruel device.

I have been advised that the President of the New Jersey AFL-CIO, Mr. Charles Marciante, expressed that in his opinion all of labor is in favor of the use of this legtrap. If anyone is aware of the labor movement today, you must know that no State AFL-CIO leader can speak for all the Local Unions in New Jersey, let alone the whole country.

Sincerely,

Vincent Jacobi, Jr.
Theatre Business Manager

VJ:ab

Mr. Waxman. Your time has expired. We will receive the rest of that testimony in the record.

Dr. Whitney.

STATEMENT OF GEORGE D. WHITNEY

Dr. Whitney. Yes, thank you.

I appreciate this opportunity. A couple words about myself to make my testimony perhaps a little more credible.

I am a companion animal veterinarian having practiced in Orange, CT, for many years, since World War II, when I came out of the Army Veterinary Corps. I belong to no humane group. I consider myself a hunter, a fisherman, a sportsman, and an extrapper. So I think my testimony might be more credible.

The central issue here is one that has been glossed over by just about everybody, and certainly by the protrap people. The central issue is one of cruelty, one of brutality.

Now, I just couldn't help but snicker at Mr. Goodrich's comment on how you should ask the authorities. Of course, you should ask the authorities. An educated person doesn't have to know everything, but he should know where to find the information so you ask the authorities. So the point is, is it cruel? If so, how cruel is it?

Every animal and human physiologist that you can find that doesn't have a conflict of interest will declare that the higher mammals and the lower mammals all feel pain essentially the same. Now that means that when that trap slams shut on an animal's leg, it is comparable to your slamming a car door on a person's hand. Now, don't you think that would inflict excruciating pain? If you do, that is a definition of torture. And this is by definition, not by emotion.

I can't get over these people who say, yes, the experts—ask the experts about pain. Go to game management people. Ask the local barber. I can't understand this. You go to the experts on pain to find out about pain, and these are people who have made a life study of it.

Of course, we have mentioned vested interests—and I have to go on; there is so much to talk about and so much that has not really been covered well. The window-dressing you are getting about game management is not the issue. The issue is brutality. The issue is this tradition of going out into the wilderness and setting a trap and going back, and coming back, and hoping you have an animal caught by the leg. You overlook the whole idea that that animal is suffering the hammers of hell. And there are thousands, hundreds of thousands, at any one time in the trapping season in the United States that are being tortured this way.

This is not an emotional issue. I am emotional about it, but this is as a result of "asking the experts." The experts are the ones who say all mammals, including man, have a nervous system which is essentially the same. If an animal could not experience pain as we do, it could not survive in nature.

Some of the things that the protrapping people say that I believe is irrelevant, although I think it might be mentioned, is that if the toes are in a trap for any length of time, the foot becomes numb. That is true. If your hand is in a car door for any length of time, your fingers will become numb. Do you think there is any less excruciating pain? Every time that trap closes on an animal, an atrocity has been committed. In all these other countries, they have recognized it and have said, "We cannot condone this. The time has come when, for money, we cannot condone atrocities and torture."

These men stand up here—Mr. Goodrich—imagine Representative Young standing up and saying to the world, "Under certain circumstances, I believe in committing atrocities, and I believe in torture." They are saying this to the world. How can any legislator go home after voting on this bill in favor of the leghold trap and tell his loved ones, "Today I voted in favor of atrocities; I voted in favor of cruelty"? Imagine.

And the frosting on the cake, most States offer reduced license fees to children to go out and learn how to trap. They condone this occupation. Can you imagine showing the kids a trap line—and really you have to walk a trap line or do it yourself to see what happens to these animals when they break their teeth and chew up every blade of grass and every twig around the trap very often. Others hold still; it is so painful they can't even move. Most of them freeze to death because an animal exposed to the cold weather can't keep warm enough to stay alive. But they go through unbelievable torture.

As a veterinarian who has in our oath of office an oath that we take when we become veterinarians to relieve suffering, I thought, I wondered how other vets feel about it. I proposed a resolution to the Connecticut Veterinary Medical Association when there were over 100 present. You know, there wasn't one vote against the resolution to go on record opposing the leghold trap, on humane grounds. I doubt, if they were voting on motherhood, that they would have voted 100 percent. But they voted—I can't believe it.

This is a black and white issue. These people are throwing out all this frosting on the cake they want you to listen to, and talk. What they are talking about is the great god—money. That is what they are talking about.

Mr. **Waxman**. OK.

Dr. **Whitney**. Everybody gets up here with a vested interest and talks about money. I should say the world is slowly but surely backing off from cruelty. If you study history, you can see this is happening. In spite of Hitler, in spite of some of the horrible things that go on, there are no more human sacrifices, and I think we are backing away. And I would like to see our country join that mainstream of other countries that have seen fit to say no more of this activity. It is not an acceptable human activity.

Thank you.

[The prepared statement of Dr. Whitney follows:]

STATEMENT OF GEORGE WHITNEY

My name is George Whitney. I come from Orange, CT to speak in favor of Bill 1797.

Members of the Subcommittee on Health and the Environment, I appreciate this opportunity to speak.

To make this statement as credible as possible let me mention a few words about myself. I am a hunter, fisherman and sportsman and an ex-trapper. I am not a hearts and flowers type and belong to no humane group though I am an advisor to one. As a companion animal veterinarian for 39 years since serving in World War II, and having raised colonies of many of the wildlife of Connecticut, and having been a zoo veterinarian, my personal opinions concerning pain and suffering in infra human mammals should have a measure of validity.

In my state of Connecticut the legislators apparently chose not to accept my opinion on the leghold trap so I took it upon myself to write to experts in the field of pain and to naturalists, who had no conflict of interest, for their opinions. I further proposed a resolution against the use of the leghold trap at a meeting attended by over 100 veterinarians of the Connecticut Veterinary Medical Association. The resolution passed without one dissenting vote. That vote was a shock as I didn't believe 100 professionals would all agree on anything including motherhood. On graduation all veterinarians take an oath to prevent suffering in animals.

The response to my letters in most cases was immediate and in all cases opinions were voiced against the steel-jawed leghold trap. Some responses such as those from the world's foremost ornithologist and great naturalist, Roger Tory Peterson, and James Herriot, the English author of the "All Creatures" books took six months.

I can think of no better way of seeking the truth than to ask the experts. I have a copy of the responses of scientists and from one non-scientist, a humanitarian, the President of Yale University, bound at my own expense, and I will submit it with this statement.

1. The scientists to a man stated that humans and infra human mammals experience pain similarly.

2. An animal with its foot caught in a leghold trap would be similar to a human with fingers or hand caught in a car door.

3. The trap or the car door would inflict excruciating pain.

4. Inflicting excruciating pain is the definition of torture. It is not melodramatic or emotional to state that every time a leghold trap slams shut on an animal's leg or foot an atrocity has been committed. An animal is being tortured.

If I were to ask you members of this committee if you can conceive of any reason to perpetrate or to condone torture or atrocities could any answer in the affirmative? I think not.

Anyone trapping or condoning this occupation is literally torturing or condoning torture. Therefore, anyone voting against this bill to outlaw the leghold trap is proclaiming to the world that he or she favors torture and atrocities under certain circumstances.

Those favoring the leghold trap will talk about a myriad of issues, none of which addresses the central issue of man's inhumanity to lower animals. They will say if a trap is set by a knowledgeable trapper it is somehow less painful. I care not how experienced one may be in slamming a car door on another's fingers, the pain would still be excruciating.

The pro trapping people will say the trap is necessary for game management to which I suggest nature has been and is, with few exceptions, the only effective game manager. Norway, Sweden, Denmark, West Germany, Switzerland, France, Britain, and Israel are among over 60 nations that have outlawed the leghold trap and have had no game management problems since.

Another invalid argument used by the National Wildlife Federation and others is that of the three evils facing wildlife, namely, death by starvation, disease and trapping, that trapping is the least cruel. That is a ridiculous statement by a macho organization. Those who survived Hitler's concentration camps claimed they suffered no pain from starvation and few diseases wildlife suffer cause pain. Perhaps everyone in this room has been sick enough to refuse food at one time or another and pain was not involved.

As a control of the disease, rabies, it is counter productive and it should be mentioned more people die of infected hangnails in the U.S. every year than from rabies.

Though there is no orchestrated game plan the world is moving slowly but surely away from brutality and it is time our country entered the mainstream.

Can anyone doubt that exposing our youth at a young age to animals being tortured in traps and condoning and even encouraging such activity will tend to instill the acceptance of brutality that cannot be an advantage to their future in society? Most states offer trapping licenses at reduced rates to youth, thus encouraging this brutal practice.

As a sidelight it is interesting that of the list of 64 countries that have outlawed the leghold trap only Hungary is behind the Iron Curtain so our country is grouped mainly with communist countries in favoring the use of the leghold trap. Somehow I associate ruthlessness with those countries and it is time we cease being fellow travelers in this area.

In conclusion, I believe if any person with a grain of compassion were to walk a trapline and see the ground torn up and every twig chewed, if you could see the broken teeth and the half chewed foot, you would have to urge an end to the use of this instrument.

I urge this committee to examine the evidence and to ask the proper authorities the central question which concerns pain, suffering, torture and atrocities and not game management, sport, business and recreation.

Those who oppose the use of this trap have science behind us and not emotion, as the trappers and fellow travelers do. If you cannot fault my reasoning and conclusions then you, too, must be against the use of the steel-jawed leghold trap.

Thank you.

Mr. **Waxman**. Thank you very much.
Dennis Stolte.

STATEMENT OF DENNIS C. STOLTE

Mr. **Stolte**. Thank you, Mr. Chairman.

I am here representing the American Farm Bureau Federation. I am Dennis Stolte.

I think in the discussion today there has been one group of people that have been seriously overlooked, and those are the members of our organization and other people who raise livestock in this country. A large number of the people who graze livestock on public lands are members of our organization. It is on behalf of these members that I express to you our concern and our opposition over H.R. 1797. If H.R. 1797 were enacted into law, many livestock producers would be stripped of their last real tool to control predators who prey on livestock.

I think three basic questions come up in the discussion here: First, do predators such as coyotes—and my comments today will be in reference primarily to coyotes—do coyotes need to be controlled? We think that coyotes have to be controlled. We have unacceptable loss levels now in the livestock industry to coyotes. A study by the Department of Agriculture's Economic Research Service estimates that in 1974, 11.4 percent of the lambs born in 15 Western States were killed by coyotes—11.4 percent. Those figures represent only average losses in those States. On individual ranches, losses range as high as 50 percent or more. This represents a total loss to sheep producers of about $38 million.

I would like to remind you that coyotes don't just kill sheep; they also kill calves. In 1977, the ERS estimated that there were 20 million dollars' worth of calves lost to predators. Other farm animals such as goats, poultry, pigs, farm pets, are often lost to predators on a regular basis. If you want to estimate the total loss to predators of livestock, you come up with a figure of somewhere around $250 million per year. If we ban the steel leghold trap, as this bill proposes, you could count on that $250 million figure to probably double, or more.

The second question that comes up is, do control methods work? Are they effective? The Fish and Wildlife Service did a study which indicated that there were 1.5 to 3 times fewer losses in areas where control measures were practiced.

The third question is: Is the leghold trap an effective control device? Mr. Chairman, we submit to you today that it is the only effective control device left for livestock producers. Some of the people in here today leading the charge in favor of this bill also led the charge to ban Compound 1080 in 1972, and President Nixon did follow through and carry out that Executive order. That was our most effective tool at that time, and we are now left with the steel leghold trap only as our effective tool at this time.

With regards to selectivity, the Fish and Wildlife Service indicates one of the main advantages of the steel leghold trap is its effectiveness and selectivity; that it often allows release of the nontarget animals.

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The last issue we have is the one that was raised repeatedly today; that the leghold trap is inhumane. We agree that inhumanity does result from the use of the leghold trap, but too little has been said about the inhumanity caused by predators. A lot of experts have been cited today. I would like to quote an expert, probably the foremost expert on coyote predation in the United States today, Professor Howard from the University of California.

I quote Professor Howard, who describes the method by which coyotes kill sheep:

> Coyotes attach the throat of sheep and cause them to suffocate. This is an innate, not learned, behavior. Coyotes have evolved as a predator that naturally attacks living prey. Coyotes kill and eat livestock in a very inhumane way, as most predators, and sometimes get into a killing frenzy and kill far beyond their needs. Research has shown that it takes coyotes an average of 13 minutes, depending upon the amount of experience, to kill sheep after they attack them in the throat, and that they often eat the entrails before the sheep is dead.

Mr. Chairman, I had some photographs with me. I decided not to bring them. I am glad I didn't. I think you have been subjected to enough blood and guts today to last you a long time. But these photographs are very graphic. They are available. They show a ewe, a female sheep, who has had her throat torn out and is still living, obviously suffering from very much pain.

It is our contention that lack of predator control, which would result from the banning of steel leghold traps, would result in pain of livestock and needless suffering.

Mr. Chairman, we are losing the battle against predators. And, in summary, we know that the steel leghold trap is not a perfect control method, but it is the best one we have left.

We urge your opposition to H.R. 1797.

[The prepared statement of Mr. Stolte follows:]

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO THE HEALTH AND ENVIRONMENT SUBCOMMITTEE OF THE HOUSE ENERGY COMMITTEE REGARDING H.R. 1797, A BILL TO END THE USE OF STEEL LEGHOLD TRAPS

Presented by Dennis C. Stolte
Assistant Director, National Affairs Division

August 3, 1984

The American Farm Bureau Federation is the nation's largest voluntary organization of farmers and ranchers with a membership of more than 3 million member families.

A high percentage of cattle and sheep producers are members of Farm Bureau. It is primarily on behalf of these members that we express to you our concern over H.R. 1797. H.R. 1797 represents a serious threat to our nation's livestock industry. If H.R. 1797 were enacted into law, livestock producers would be stripped of their last remaining effective tool for the protection of domestic livestock against coyotes and other predators.

H.R. 1797 would also adversely effect non-livestock producer members of our organization who rely on the steel leghold trap to control farm pests such as skunks, opossums, rats, raccoons, and muskrats.

For these reasons Farm Bureau strongly opposes H.R. 1797.

Relating to damage to livestock from predators, we believe three central questions arise.

First, do predators, such as coyotes, need to be controlled? Farm Bureau believes that coyotes and other predators must be controlled. Even the most conservative estimates suggest unacceptably high losses of livestock to predators. A study by the Department of Agriculture's Economic Research Service estimates that in 1974 11.4 percent of the lambs born in 15 Western states were killed by predators -- primarily coyotes -- and 3.4 percent of the adult sheep were lost to predators.

These figures represent average losses over the 15 states. Percentage losses in individual states ranged from 1.7 percent in Nebraska to 29 percent in Nevada. On individual ranches, some sheep producers have experienced losses of 50 percent or more. This represents a direct economic loss to sheep ranchers of nearly $38 million. These estimates do not take into account additional losses which occur from the splitting up of sheep bands by predators and the deaths of lambs and sheep resulting from their separation from the herd.

Predators kill livestock other than sheep. The Ecomomic Research Service estimated that 115,000 calves worth $20 million were lost to coyote predation alone in 1977. Other losses of livestock such as goats, poultry, pigs and farm pets to predators are also regularly reported.

Total losses to the livestock industry due to predation have been estimated to be as high as $250 million per year. This tremendous loss results in higher costs to consumers because predators cause fewer livestock products to be available on supermarket shelves.

Second, do control methods, specifically the leghold trap, result in fewer losses to livestockmen? The evidence indicates that predator control does work. Studies done by the U.S. Fish and Wildlife Service found that sheep losses in areas with no control were 1.5 to 3 times higher than in areas where control was practiced.

Third, is the leghold trap an effective control device? The leghold trap is the most effective control device available today. Without the leghold trap, control in some areas would be impossible.

Since President Nixon's 1972 executive order which banned the use of chemical toxicants on federal lands, increasing reliance for predator control has been placed on the leghold trap. The U.S. Fish and Wildlife Service says the steel leghold trap is "the most versatile, widely used tool available for corrective control."

Opponents of the leghold trap may sometimes concede that: (1) livestock predation is a problem, (2) control methods do reduce losses, and (3) the leghold trap is an effective control device. However, they insist...the leghold trap is non-selective and, it is inhumane.

Regarding its selectivity, the Fish and Wildlife Service states that selectivity is one of the steel leghold trap's attributes. Often it is used in combination with scents which attract only the target animal. Tension devices are used with leghold traps to prevent animals smaller than target animals from springing the trap. According to U.S. Fish and Wildlife, a significant advantage is that leghold traps usually permit safe release of nontarget animals which may be captured accidentally.

The final issue we wish to address today is the allegation that steel leghold traps are inhumane. When used in a conscientious manner by properly trained individuals, the steel leghold trap may be less inhumane than other less effective control methods. Still, we do not deny improper trapping methods or negligence may result in unnecessary suffering by animals caught in steel leghold traps. Steel trap opponents have focused on this issue in an effort to highly emotionalize their argument.

However, what of the pain and suffering caused by predators? Perhaps too little attention has been given to the inhumanity of predators to livestock. The following description comes from Walter E.

Howard, professor and vertebrate ecologist at the University of California. Professor Howard has established himself as one of the foremost authorities on predators and predator control in the nation today. Professor Howard describes the method by which coyotes typically kill sheep:

> "Coyotes attack the throat of sheep and cause them to suffocate. This is an innate, not learned, behavior. Coyotes have evolved as a predator that naturally attacks living prey. Coyotes kill and eat livestock in a very inhumane way, as do most predators, and sometimes get into a killing frenzy and kill far beyond their needs. Research has shown that it takes coyotes an average of 13 minutes, depending upon the amount of experience, to kill sheep after they attack them in the throat, and that they often eat the entrails before the sheep is dead."

We also request the opportunity to present to the Subcommittee photographs given to us by members of our organization. Like Professor Howard's description, these photographs document the inhumanity of predators to livestock. Banning effective control measures such as the leghold trap actually increases pain and suffering by other animals.

Evidence indicates that predator problems are increasing. Coyotes, the number one predator, are expanding their numbers and their territory. The American livestock producers are losing, not winning, the war against predators. When combined with the generally bad economic times experienced over the last several years by the livestock industry, depredation has been the major cause of the decline in our nation's sheep production. In 1950 there were 30 million sheep in the United States. Today there are less than 12.5 million

We know that the steel leghold trap is not a perfect control device, but it is the best one we have left. Farm Bureau certainly supports the development of new, more effective, more humane control methods. In the meantime, our farmers and ranchers must be able to continue to use the best available method, the steel leghold trap. We recommend that you oppose H.R. 1797.

Thank you for the opportunity to present our views.

Mr. **Waxman**. Thank you very much for your testimony.

Mr. Buyukmihci.

STATEMENT OF NED BUYUKMIHCI, V.M.D.

Mr. **Buyukmihci**. Thank you, Mr. Chairman.

I don't know where to begin. I am a veterinarian and an associate professor of surgery at the University of California, but today I am representing the Animal Protection Institute of America. To my left is Tripod, a three-legged cat who lost her left foreleg due to a steel jaw leghold trap. She is a witnesses, also, more or less.

I wanted to, rather than stick to my testimony, comment on things I have heard this morning. First of all, I am a vegetarian and I don't wear leather, in reference to Mr. Robertson's comment.

The situation, as the fellow to my right stated, is one of cruelty, by our standards. However, we do not hold the situation in nature as our moral guidelines. Otherwise, we would be doing to each other the same types of things that other animals in the wild do to themselves. We don't allow that in this country.

Predation of livestock is a problem; I will admit that. But the argument that trapping and other means of control are effective is specious because at least in California we found out by budgetary analysis a couple years ago that it was costing us $1.60 for the animal damage control program for every dollar of damage produced—not a very effective or efficient system.

Someone mentioned the situation about slaves and about renewable resources of wildlife. Slaves were renewable resources. I don't think anybody would be callous enough to consider that an issue today. There were dire predictions that when slavery was abolished that this country would go under; that our farm industry would just dissipate. I don't think that anybody believes that that has come to pass.

Congressman Young mentioned that a rabbit screams when an owl attacks her or him. That is true. I am a veterinarian. I have to give injections to rabbits occasionally to help them. They scream when I give them an injection. I don't think that argument holds water.

Mr. Robertson also mentioned something that was very telling. He said that the trap business was low because the fur business is low. I know of no escalations in wildlife populations because of this situation. To me, this is an inherent test as to what drives the trappers' trade—not conservation, as they would have us believe, but rather economic pressures.

I wanted to mention something about rabies, and Dr. Whitney provided the testimony that I was going to present about pain; but let me talk to you about rabies. Rabies is a disease that is very necessary to control. However, if dogs and cats are properly vaccinated, rabies is really no problem to people. There have been essentially no verifiable cases of rabies going from wildlife directly to people. In almost all cases, rabies goes through a dog. So, if we vaccinated dogs and cats adequately, we could essentially eliminate the problem.

Rabies has its own control in wildlife. It is the best control. If you leave rabies alone, if you watch the epidemiology or biology of it, it waxes and wanes without any interference by us, and it takes care of itself. There is really no problem with it. This has been proven over and over again. I am astonished that people continue to bring it up. The situation in Poland has proven this to be absolutely true.

There are so many things to say. It is difficult to know where to begin. It is overwhelming.

I want to emphasize that the leghold trap or its use is a very painful and cruel experience for nonhuman animals. The Animal Protection Institute of America and I are adamantly opposed to its use, and we urge that you vote in favor of H.R. 1797.

Thank you.

[The prepared statement of Mr. Buyukmihci follows:]

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Testimony in SUPPORT of H.R. 1797, a bill to end the use of steel jaw leghold traps on animals in the United States and abroad (to be heard 18 June 1984)

Ned Buyukmihci, V.M.D., Institutional Veterinary Medicine Advisor Ned Buy

When people make a case against the steel jaw leghold trap they usually cite emotional issues such as the inadvertent trapping of children or pets. Whereas these traps are responsible for some such incidents, it is not only this that speaks loudly for the discontinuation of these devices. By analogy, the fact that many children and pets succumb to automobiles every year is not sufficient reason to ban automobiles.

The case against using these traps does not rest solely with the fact that the furs so taken are unnecessary luxuries. Although the capricious taste of the consumer is the raison d'etre for trapping, it is no more damning than other commerical ventures which exploit animals, or humans for that matter. The fact that synthetic fibers can produce similar and better products than natural furs is evidence that the latter are unnecessary but still does not make a strong case against trapping.

The case against steel jaw leghold traps rests mainly in the unnecessary pain and suffering they inflict on the animals caught. This is particularly true if the traps are equipped with a 'stop-loss' device. The design of steel jaw leghold traps is such that, for any given animal, the trap must hold the incarcerated tissue firmly enough to prevent escape. This might not cause tremendous pain if the trap was small and if the animal did not struggle to free itself. I know of no animal, however, that would initially remain still when caught in a steel jaw leghold trap, or any other trap for that matter. Thus, the stimulation of pain receptors caused by the sudden closure of the trap is aggravated by the struggles of the animal. I have seen these struggles violent enough so that they caused laceration and severance of limbs. It is not being anthropomorphic to assume that vertebrates, particularly mammals, have similar thresholds to and awareness of pain; this is a fundamental fact of biology.[1] As one neurophysiologist put it, "To deny the existence of conscious pain perception in mammals is to be totally blind to their nonverbal communication and ignorant of basic comparative anatomy and physiology. It is like denying the earth's rotation around the sun. It is that fundamental."[2] As a veterinarian my training has also impressed upon me the fundamental similarity in neuroanatomy and reaction to noxious stimuli between humans and other vertebrates. In fact, this similarity is so significant that we utilize nonhuman vertebrates in biomedical research to provide answers to questions relevant to our own situation. If there is somehow a significant difference in the quality of pain and other phenomena between animals and us, there would be no point in using animals in research.

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As you are well aware, such a conclusion is considered false as attested to by thousands of brilliant researchers and the extensive biomedical research program in this country. If a physical insult causes pain in a human, from whom a subjective analysis is possible, it certainly causes similar pain in a nonhuman animal.

Trappers sometimes use their own fingers to 'prove' that the steel jaw leghold trap is not painful. This type of dramatization has several flaws. First, the trapper knows when the trap will snap shut and can brace herself/himself. (As a few moments' reflection will show, pain is much easier to withstand if you can anticipate and prepare for it.) Second, the size of the trap they use for this show of bravado is never proportionate to their body size when compared with those used on their victims. (In fact, appropriately sized traps were used to capture humans in our past. This was discontinued because of the inherent cruelty of this practice.) Third, as previously mentioned, there is the question of immobility. I challenge any trapper to put on this demonstration, even with an inappropriately small trap, and then attempt to vigorously wrench their fingers from the trap as a wild animal would. My father recently assisted in such a demonstration when a very large, strong trapper let his fingers be clamped by a small trap. As he proudly looked around the hearing room proclaiming how innocuous the experience was, my father grabbed the trap's chain and pulled. The big, strong man was then led around the hearing room like a bull being led by his nose ring. He eventually pleaded to have the trap taken off his hand. When one witnesses scenes such as this, one cannot help but conclude the argument that the traps are not painful are transparently false.

It is not just the initial trauma and damage inflicted that are a problem for the trapped animal. The soft tissue damage that occurs is compounded by compromise of vascular circulation. Even if a bone is not broken or the skin is not lacerated, the deep damage, invisible to the eye, is a source of suffering and can lead to the death of the animal. This is particularly relevant vis-a-vis claims that the steel jaw leghold trap has an important advantage in that nontarget animals can be released. This latter claim is essentially incorrect for most nontarget animals. Even if the animal is alive when found, most would not survive if released without medical care. This is particularly true for, but not limited to, raptors and other birds. In one study in Minnesota, it was shown that even damage considered minor by people experienced in the use of traps was usually fatal for the bird.[3] Along this line, it was shown that the so-called 'padded' traps were no better because they caused just as much soft tissue damage and disturbance of vascular circulation as did the standard traps.

Trappers attempt to minimize the painful nature of traps with various specious arguments. They state that the trapped limb becomes numb. It is probably true that, after an indeterminable period, the limb may become numb at the area of contact. Other areas, however, would still be sensitive and painful. Trappers contradict themselves by stating that responsible trappers check their traps frequently so that a trapped animal is not allowed to suffer long. (Suffer is the word they use, apparently having forgotten that they said these traps do not cause pain.) The trappers also point out that most states require traps to be examined every 24 hours. (My own experience has shown me that trappers do not always check their traps frequently. I once found the skeleton of a beaver with one foot held in the grips of a steel jaw leghold trap. I guess the trapper was a bit late in getting back to this trap!) Even if trappers did abide by the 24 hour rule (many states require inspection every 48 hours or have no restriction at all, and there are no limits in the case of predator control), how many hours of being in pain are acceptable? Even knowing the pain would end in 24 hours would hardly make it hurt less. Trappers counter by stating that animals are sometimes found asleep in traps. After a period of futile attempts to escape, what is so surprising about an animal attempting to sleep? Exhaustion would eventually overtake us all regardless of pain or other stimuli.

Other elements add to the suffering of the trapped animal. Adverse weather, exposure to predators, and the terror of simply being trapped all need to be considered.

If you are not willing to believe me, a medically trained scientist, about the cruelness of steel jaw leghold traps, perhaps you would believe a trapper who is honest about his observations. Frank Conibear himself, an undisputed expert on trapping, had serious misgivings about his chosen profession. His testimony is so telling that I have included it here in total:

> "I will tell you about some of the animals we caught on one of our trips. On the twelfth day we start back over our line to look at the traps we set almost two weeks ago. In the first trap we find a mink's foot. The area about the trap is all bashed about and chewed up by the mink in its effort to escape. The mink is a tough animal that struggles violently, attempting by jerks and pulls to get loose. It writhes and twists desparately, and bites at everything within reach, and continues until it is exhausted. After a time, from the pressure of the jaws of the trap, and the swelling of the leg from pain, the circulation of blood stops and the foot becomes mumb, but the pain above it in the swollen leg and shoulder must increase, and the mink must be in great agony. The foot will freeze. This may be in a few hours or a day, depending mostly on the weather. After the foot becomes numb or frozen, the mink, desparately savage with pain, will chew at it. Sometimes it will chew the toes off underneath the jaws of the trap and be able to pull the foot out. At other times it will chew at the leg itself above the jaws of the trap, and by chewing and twisting will, (if it does not freeze to death first) sometimes after several days, especially if the bone has been broken, sever the last sinew holding leg and foot together, and escape. On a long line we lose about a third of the mink this way. In warmer climates, the loss must be greater, and, to prevent it, the diabolical spring pole set is sometimes resorted to. This is a supple tree, bent over, and the top, to which a trap has been fastened, hooked down so that when an animal is caught, its struggles release the tree which draws the trap and the animal up into the air. The animal dangles, struggling, in the air, the whole of its weight hanging from one foot. There is probably no greater agony than this. Its sufferings are quite beyond power to describe.
>
> "Our next trap has a lynx. When we first come up it struggles violently and then, at the length of the chain, crouches down. By the signs I judge it has been caught about ten days. A lynx lives much longer when caught in a trap than other animals. I have known two to live for three weeks in traps and be alive when I got there, but they were very, very thin. The feet of the lynx are so large that unless it steps fairly in the middle of the trap, it is caught by only one or two toes, and, as the days go by, the jaws of the trap squeeze tighter till they separate the joints of the bones. Sometimes the sudden jerks of the lynx break the last shreds, and it is free. By that time the whole of the caught foot is usually frozen, so the lynx must die from a rotting foot. Of all the deaths caused by trapping, I think that from a foot thawing out and rotting is the most awful.

> 'The next trap has a silver fox. It has died in the trap--curled up in a ball, its tail covering its feet. It had sought refuge from the cold by curling itself up, and had died in its sleep; if that comatose condition can be called sleep, that does not obliterate the penetrating cold that goes to the very marrow of the bones and the pit of the stomach, and the pain of a wrenched, swollen and frozen leg--and let no one tell you freezing is not painful.
>
> 'The next trap has a mink. It is dead--died in the trap. The pen we built has been knocked down, and there are teeth marks on all the sticks and branches within range. There are signs of a terrific struggle; from experience I know the mink lived about three or four days and then died of hunger and pain. The foot is lacerated, swollen and covered with blood. The stump of the leg above the trap is swollen four times its normal size, and frozen. The shoulder, too, is all swollen. When we skin it we will find that all that area will be a mass of blood-coloured, sickly, gelatine-like substance, indicating the terrible suffering it has gone through before death released it. The trap is slowly severing the last shreds of the sinews, and then, with escape only a few hours away, the mink died. It is stretched out as it threw itself in the last spasm, and frozen hard and stiff. The fur is fine and glossy; it will make some woman a lovely neckpiece!'[4]

Steel jaw leghold traps cannot be considered selective except in a negative fashion, i.e., an animal not heavy enough to depress the trip pan or an animal with appendages to large to insert through the open trap. In all other cases, whether by design or by accident, any animal tripping the pan will have the potential of being trapped. So-called nontarget animals are caught frequently. During a five year study conducted by the Ontario Department of Lands and Forests, the ratio of unwanted animals to target animals caught was greater than two to one[5]. Other studies have shown higher ratios of unwanted to wanted animals. Of course, when a pregnant or nursing animal is trapped, this compounds the number of animals killed. Moreover, animals we recognize as endangered are also vulnerable. In the study previously cited, in Minnesota alone over an eight year period, 32 bald eagles were 'inadvertantly' trapped.[5] Essentially all of them died.

One of the most important reasons for trapping, according to proponents, is the prevention of wildlife overpopulation. There is no evidence, however, that trapping in the present manner is an effective and efficient means of controlling a particular wildlife population, largely due to the inherent nonselective nature of the trap. Animals that 'should' be culled, the weak and unfit, are not necessarily the ones trapped. (In fact, these animals are undesirable from the trapper's point of view since they have the poorest pelts.) Nature is a superb 'manager'. Natural selection provides effective population control and insures survival of the fittest, something present human intervention cannot do. The argument from the standpoint of management by humans is extremely weak and smug. Exclamations that we are part of nature notwithstanding, we humans have not been very circumspect in our dealings with our environment. We have polluted the water, land, and air; we have caused numerous species of animals and plants to become extinct; we have significantly disturbed such delicate ecosystems as the tropical rain forests so that they are in danger of being destroyed; and we have not been able to control and feed our own population. The argument of management pales when compared to our blundering. Two years after banning the steel jaw leghold trap in Florida, the Everglades Regional Manager stated that '...We have not found it necessary to implement any control measures for wildlife populations that we did not have before the ban on trapping.'[6] Furthermore, in none of the countries in which the trap has been banned have there been disease epidemics or escalation of wildlife populations.

Prevention of various diseases by reducing the natural reservoirs is often touted as an important result of trapping. Diseases such as tularemia, mange and rabies are listed as being effectively controlled by the trapper's efforts. There is no evidence, however, that this is true. Furthermore, except for rabies, the diseases usually mentioned are insignificant.

Rabies, however, is an important disease that should be controlled as much as is practical. Nevertheless, there is no proof that trapping has any effect on the natural reservoir in a particular area. Most reported rabid animals are bats and skunks. However, bats are not trapped and skunks are rarely target animals. The Council on Environmental Quality has found that '...The contention that rabies increases dramatically when steel leghold traps are banned seems entirely without merit.'[6] The National Research Council recommended that 'Persistent trapping or poisoning campaigns as a means to rabies control should be abolished. There is no evidence that these...programs reduce either wildlife reservoirs or rabies incidence.'[7]

Another argument frequently used by the trapper is that trapping takes advantage of a 'renewable resource' and if the 'excess population' is not 'harvested', it would go to waste. This indicates a profound ignorance of fundamental principles of biology and ecology. There is no such thing as waste in nature. Wild animals that die because of inability to compete are vital to the ecosystem. Their bodies provide sustenance to countless plants and animals all of whom are necessary for proper balance. It is often claimed that since fake fur coats require the use of petroleum products, nonrenewable resources, that real fur coats are better. This disregards, however, the petroleum products that are used in the processing and storage of real fur coats. In this regard, the energy cost of producing a real fur coat is at least three times that of a fake fur coat.[8]

Besides stemming wildlife populations to prevent human disease and inconvenience, trappers claim that they do it for the 'good of the animal.' In a brochure distributed by the Fur Takers of America International, they go so far as to state that a fox, if asked, would approve of trapping because it '...Keeps us healthy by saving us from epidemics of misery!' It is also stated in this brochure that most wild animals die violently in nature, and that death at the hands of the trapper is 'humane.' This line of reasoning and propagandizing is absurd. Steel jaw leghold traps inflict intense pain and suffering. Foxes do not voice opinions and, even if they did, no rational person would believe that they would want to be trapped; the number of 'wring-offs' and broken teeth attest to their resistance to being trapped. Being killed at the hands of a trapper is not necessarily humane; there are no laws or regulations on how trapped animals must be killed. Asphyxiation and trampling are just a few of the methods employed. The lines of agrument similar to that put forth by this pamphlet wrongly assume that there is an accurate network of trapper information on animal populations and that trappers believe and abide by this information.[9,10] It takes very little thought, however, to come to the conclusion that the price of furs (pelts) is the only parameter a trapper uses and that this would tend to work against efforts at truly controlling a particular population. I am sure no one of you would be naive enough to believe that trappers would continue trapping, if no money was involved, for the sake of 'conservation'.

In conclusion, the Animal Protection Institute and I urge you to support H.R. 1797 to abolish the use of steel jaw leghold traps. It is clear that the only people who agrue in favor of the steel jaw leghold trap are those who have a self-interest, either directly or indirectly. All humane oriented groups are against this trap. The American Veterinary Medical Association has recently declared that "...steel-jaw leghold traps are inhumane and cause injuries to nontarget animals..." Well-trained, knowledgeable people in the health sciences consistently decry this trap as an inhumane, barbaric device. In testimony to the inherent cruelty of steel jaw leghold traps, over 60 countries have already banned their use and several of our states have either banned or significantly restricted their use. It is high time we outlawed this barbaric and patently cruel device which has no place in a civilized country such as ours. Let us relegate the steel jaw leghold trap to the darkest corners of our history where it belongs!

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Mr. **Waxman**. Thank you very much for your testimony. Ms. Pryor.

STATEMENT OF VIVIAN PRYOR

Ms. **Pryor**. My name is Vivian Pryor. I am a wife, mother, and homemaker, as well as a hunter, trapper, and concerned conservationist. I serve as Georgia's delegate to the National Wildlife Federation and I am here today representing the NWF. I have with me Dr. Robert Davison of the NWF who has considerable experience with use of leghold traps in wildlife research.

The NWF is the Nation's largest private, conservation-education organization, with over 4 million members and supporters and 51 affiliate organizations such as the Georgia Wildlife Federation in the States and territories. NWF believes that wise utilization and sound management of our natural resources includes regulated fishing, hunting, and trapping.

We sincerely appreciate the opportunity to appear before you today to tell you why our organization opposes H.R. 1797.

The stated purpose of the legislation is "to end the needless maiming and suffering inflicted upon animals through the use of steel jaw leghold traps." This emotional presentation of the leghold trap as an inhumane method of harvesting wildlife has no basis.

Although the basic design of the leghold trap may be 160 years old, many modifications have been made to make it more efficient and effective—compare our early firearms and today's modern sophisticated ones—or the early automobile and today's modern model. The modern leghold trap does not have steel-jawed teeth. Traps with teeth have not been manufactured for many years. Those who describe the leghold trap as having steel jaws are attempting to play on emotions by making it seem inhumane.

The natural death of any wild animal may be quick and violent or slow and torturous. Animals taken in leghold traps die in ways that are no more or less severe than when they die naturally.

The leghold trap is frequently the best and often the only reasonably efficient method of capturing wild animals. Considering the versatility of the leghold trap, no other device is as practical, efficient, and safe to use. None can completely substitute for it. Leghold traps most often allow any nontarget animals that are captured to be released unharmed, and they pose less danger to humans, pets, and livestock than killing traps.

We believe the definition of the term "steel jaw leghold trap" in H.R. 1797 would eliminate traps like the Conibear, which are designed to kill by gripping the body of a captured animal. The use of the Conibear in the South is very necessary because of its efficiency and effectiveness in curtailing destructive activities by beaver. However, the killer trap is no substitute for the leghold because it does not allow the live release of nontarget animals.

Wildlife management and research efforts require leghold traps.

Professional scientific wildlife management is necessary in order to maintain optimum numbers and diversity of healthy and productive wildlife on a continuing basis. To achieve this goal requires capturing wild animals to study their habitat needs, population dynamics, and response to human activities. Scientific wildlife management also often requires killing or capturing animals to prevent damage to livestock, crops, and natural and manmade resources.

By seeking to ban leghold traps, H.R. 1797 would cripple our efforts to understand species like the wolf, coyote, fox, bobcat, and lynx. Studies of these species' behavior, population changes, and response to human activities require capture of individual live animals that can be released unharmed. The leghold trap is the best available tool to catch these animals without causing serious injury.

Similarly, H.R. 1797 would hinder State, Federal, and private efforts to control depredations by many wildlife species. The leghold trap is currently the stronghold against depredations on livestock by coyotes and other wild canids. The leghold trap is the only readily available low-cost versatile and effective tool, as well as being environmentally benign, to catch, take, and control predators that prey on livestock. There are no other workable alternative trapping methods, but there are other alternative means of killing predators. There is strong continuing pressure to return to widespread poisoning of predators with highly toxic Compound 1080 as a way of preventing livestock depredations.

Regardless of who does it or how it is done, predator control will and must continue. If H.R. 1797 makes it impossible to use environmentally benign predator control methods, then livestock operators will be left with the choice of using either highly toxic poisons like Compound 1080 and strychnine or prohibitively expensive methods like aerial hunting. We should not force that choice by approving H.R. 1797.

NWF has always supported and continues to strongly support the practice of scientific wildlife management by State and Federal agencies concerned with and responsible for the welfare of wildlife resources. NWF recognizes trapping as an effective tool in achieving the goals of wildlife management. Professional wildlife managers have ensured that taking wildlife with leghold traps poses no threat to these resources. Properly regulated use of leghold traps has never threatened or endangered any species of wildlife. In fact, many predators and furbearers are among our most abundant wildlife.

NWF encourages research and education to improve trapping methods.

The NWF encourages research into the design of efficient traps that are more effective in reducing trap and self-induced damage to captured animals. Current research suggests that the greatest promise for eliminating the capture of nontarget species and further reducing the frequency of injury lies in modified leghold traps. The NWF will encourage the use of modified leghold traps or any other capture device in the event they prove to be efficient and to reduce injury to captured animals.

The NWF encourages trapper education as a means of teaching the proper and humane use of all traps. All traps, including the leghold trap, can be used effectively and humanely by an ethical trapper. The challenge is to encourage ethical use of traps—not outlaw them. Ethics and individual responsibility play an important part in trapping just as they do with the ownership of pets and other items of potential threat if misused. Illegal, inhumane, and destructive acts have been committed by all types of outdoor recreationists: hunters, fishermen, picnickers, backpackers, and trappers. These acts are not common to any particular form of outdoor recreation, just to particular individuals who should never be confused with the vast majority of outdoor recreationists who treat our environment with respect.

The real enemy of wildlife is habitat destruction. The NWF deplores the continuing controversy over leghold traps, because to the extent that it splinters and saps the strength of the conservation movement, it poses a threat to wildlife. It is an argument in which the only sure loser will be our wildlife resources. Birdwatchers, hunters, nature photographers, and trappers have common interests and should therefore work together to protect and enhance wildlife habitat—the real key to wildlife abundance. If conservationists continue to be preoccupied with quarreling over the ethical issues involved in use of leghold traps, the real threat to wildlife—environmental degradation and destruction—will continue to accelerate.

Mr. Chairman, the NWF urges you and the other members of this subcommittee to set aside the emotionalism surrounding the use of leghold traps. We urge you to base your decision on H.R. 1797 on the adverse impacts the bill would have on the study and management of wildlife and on trapping as a legitimate management tool and wholesome activity. We urge you to allow the decisions regarding management of our wildlife resources to remain in the hands of the professional and scientific wildlife community.

Thank you for this opportunity to present our views.

[Ms. Pryor's prepared statement follows:]

NATIONAL WILDLIFE FEDERATION

1412 Sixteenth Street, N.W., Washington, D.C. 20036 202—797-6800

STATEMENT OF THE NATIONAL WILDLIFE FEDERATION
BEFORE THE SUBCOMMITTEE ON HEALTH AND THE
ENVIRONMENT OF THE HOUSE ENERGY AND COMMERCE
COMMITTEE ON H.R. 1797

August 3, 1984

Mr. Chairman, my name is Vivian Pryor. I am a wife, mother, and homemaker, as well as a hunter, trapper and concerned conservationist. I serve as Georgia's delegate to the National Wildlife Federation (NWF) and I am here today representing the NWF.

The NWF is the nation's largest private, conservation-education organization, with over 4 million members and supporters and 51 affiliate organizations, such as the Georgia Wildlife Federation, in the states and territories. We are dedicated to the conservation, restoration and management of this nation's natural resources. NWF believes that wise utilization and sound management of our natural resources includes regulated sport fishing, hunting, and trapping. Many of our members engage in these wholesome and traditional ways of harvesting surplus wild animals and utilizing available renewable resources.

We sincerely appreciate the opportunity to appear before you today to tell you why our organization opposes H.R. 1797.

H.R. 1797 seeks to end the use of leghold traps by barring interstate or foreign shipment of such traps and articles of fur from animals taken with such traps. The stated purpose of the legislation is "to end the needless maiming and suffering inflicted upon animals through the use of steel jaw leghold traps." But this emotional presentation of the leghold trap as an inhumane method of harvesting wildlife has no basis.

The modern leghold trap does not have steel-jawed teeth. Traps with teeth have not been manufactured for many years. Those who describe the leghold trap as having "steel jaws" are attempting to play on emotions by making it seem inhumane.

The natural death of any wild animal may be quick and violent or slow and torturous. Animals taken in leghold traps die in ways that are no more or less severe than when they die naturally. Proper use of leghold traps can cause less painful and protracted deaths than those which wild animals might otherwise experience.

THE LEGHOLD TRAP IS FREQUENTLY THE BEST AND OFTEN THE ONLY REASONABLY EFFICIENT METHOD OF CAPTURING WILD ANIMALS

The leghold trap is by far the most versatile tool for capturing wild animals. No other device is as practical, efficient, and safe to use as the leghold trap and none can completely substitute for it. Unlike the foot snare, which often causes extensive damage to the foot of a captured animal, the leghold trap does not completely restrict blood circulation. The leghold trap offers the trapper the greatest versatility in where and how to set the trap, factors which reduce the likelihood of capturing nontarget animals. Moreover, leghold traps often allow any nontarget animals that are captured to be released unharmed, and they pose less danger to humans, pets, and livestock than killing traps. Box traps allow release of unwanted animals and are safe, but they are not useful when large numbers of animals have to be trapped because they are expensive and cumbersome to transport. They are also difficult to hide in the natural setting and seldom can be used to capture the more wary animal species, such as coyotes.

We believe the definition of the term "steel jaw leghold trap" in H.R. 1797 would eliminate traps like the Conibear, which are designed to kill by gripping the body of a captured animal. But even if H.R. 1797 is corrected to allow use of killer traps, these devices are simply not an adequate alternative to the leghold trap. Many trap sites suitable for leghold traps are not suitable for killer traps. The specific circumstances -- location and type of animal -- in which killer traps can be used safely and effectively are quite limited when compared with those situations in which leghold traps can be used. For example, there is no reasonably efficient alternative to the leghold trap for capturing wild canid species like the fox and coyote; box traps and killer traps will not work with these and other species. And, of course, killer traps do not allow the live release of nontarget animals or animals captured for research. Finally, the larger-sized killer traps are dangerous to pets, livestock, and unknowing humans when set on dry land.

WILDLIFE MANAGEMENT AND RESEARCH EFFORTS REQUIRE LEGHOLD TRAPS

Professional and scientific wildlife management is necessary to maintain optimum numbers and diversity of healthy and productive wildlife on a continuing basis. To achieve this goal requires capturing wild animals to study their habitat needs, population dynamics, and response to human activities. Sound management often requires killing or capturing animals to prevent damage to livestock, crops, and natural and man-made resources such as the aquatic vegetation and dikes of many marshes. Professional wildlife management seeks to ensure, through properly regulated harvests, that our renewable wildlife resources are available on a sustainable basis for consumptive and nonconsumptive uses.

Wildlife research, control of wildlife damage, and harvest of renewable wildlife resources are all frequently accomplished most efficiently and effectively by trapping. Of all the trapping devices used in the scientific study and professional management of wildlife, the leghold trap has proven to be the most versatile, practical, efficient, and effective.

By seeking to ban leghold traps, H.R. 1797 would cripple our efforts to understand species like the wolf, coyote, fox, bobcat, and lynx. Scientific studies of these species' behavior, population changes, and response to human activities require capture of individual live animals that can be released unharmed. The leghold trap is the best available tool to catch these animals without causing serious injury. Other trapping devices or other capture methods either will not catch canid and feline species, will not permit release of animals unharmed or are prohibitively expensive.

Similarly, H.R. 1797 would hamstring state, federal, and private efforts to control depredations by many wildlife species. The leghold trap is currently the bulwark against depredations on livestock by coyotes and other wild canids. The leghold trap is an environmentally-benign method of selectively removing predators that prey on livestock. It is versatile, efficient, and effective. There are no other workable alternative trapping methods, but there are other alternative means of killing predators. There is strong continuing pressure to return to poisoning predators with Compound 1080 as a way of preventing livestock depredations. Widespread use of Compound 1080 in this country poses a severe threat not just to individual nontarget animals but to entire populations of nontarget species, such as the endangered bald eagle or black-footed ferret. Regardless of who does it or how it is done, predator control will and must continue. If H.R. 1797 makes it impossible to use environmentally-benign predator control methods, then livestock operators will be left with the choice of using highly toxic poisons like Compound 1080 and strychnine or prohibitively expensive methods like aerial hunting. We should not force that choice by approving H.R. 1797.

Trapping is recognized by the NWF as a legitimate activity that uses a renewable natural resource. And the leghold trap is the only reasonably efficient and effective method of utilizing certain of these renewable wildlife resources. Without the leghold trap many people, young and old, would be limited in their pursuit of a wholesome and traditional opportunity to be outdoors and to observe nature first hand. Others would find that their opportunity to test their skills or to earn extra income would be greatly diminished or eliminated by a ban on leghold traps. Professional wildlife managers have ensured that taking wildlife with leghold traps poses no threat to these resources. Properly regulated use of leghold traps has never threatened or endangered any species of wildlife, and today, many predators and furbearers are among our most abundant wildlife.

NWF ENCOURAGES RESEARCH AND EDUCATION TO IMPROVE TRAPPING METHODS

The NWF encourages research into the design of efficient traps that are more effective in reducing trap and self-induced damage to captured animals. Current research suggests that the greatest promise for eliminating the capture of nontarget species and further reducing the frequency of injury lies in modified leghold traps. Field tests of modified leghold traps by state fish and wildlife agencies and the U.S. Fish and Wildlife Service's Denver Wildlife Research Center are in progress. The NWF will encourage the use of this modified leghold trap or any other capture device if they prove to be efficient and to reduce injury to captured animals.

The NWF encourages trapper education as a means of teaching the proper and humane use of all traps. All traps, including the leghold trap, can be used effectively and humanely by an ethical trapper. The challenge is to encourage ethical use of traps -- not outlaw them. The goal of every trapper should be to be as humane as possible by choosing the most selective technique and using the proper size and type of trap. Illegal, inhumane, and destructive acts have been committed by all types of outdoor recreationists: hunters, fishermen, picnickers, backpackers, and trappers. These acts are not common to any particular form of outdoor recreation, just to particular individuals who should never be confused with the vast majority of outdoor recreationists who treat our environment with respect.

THE REAL ENEMY OF WILDLIFE IS HABITAT DESTRUCTION

The NWF deplores the continuing controversy over leghold traps, because to the extent that it splinters and saps the strength of the conservation movement, it poses a threat to wildlife. It is an argument in which the only sure loser will be our wildlife resources. Birdwatchers, hunters, nature photographers, and trappers have common interests and should therefore work together to protect and enhance wildlife habitat -- the real key to wildlife abundance. If conservationists continue to be preoccupied with quarreling over the ethical issues involved in use of leghold traps, the real threat to wildlife -- environmental degradation and destruction -- will continue to accelerate.

Mr. Chairman, the NWF urges you and the other members of this Subcommittee to set aside the emotionalism surrounding use of leghold traps. We urge you to base your decision on H.R. 1797 on the adverse impacts the bill would have on the scientific study and professional management of wildlife and on trapping as a legitimate and wholesome activity.

Thank you for this opportunity to present our views.

Mr. **Waxman**. Thank you very much.

Let me ask some of the other panelists. If there are going to be predator animals coming in to take livestock from a farm, what should be done to stop the predators?

Ms. **Russell**. I am surprised when people assert that they need the leghold trap to control coyotes. Studies of the Denver Wildlife Research Center show the leghold trap is useless for, predator control. They trapped 1,119 animals. One hundred thirty-eight were coyotes. Among the other nontarget animals there were 30 sheep and that is the animal that the program was designed to protect.

Again, the question arises as to what it is a tool for, a tool for bureaucratic——

Mr. **Waxman**. How should the predator animals be stopped?

Ms. **Russell**. Another point about the Government control program, predator controls, is they bait the steel-jawed traps with carrion and therefore a coyote that would normally eat carrion, as a lot do—they will eat the dead animal rather than eat a live one—so they are creating a preponderance of the animals that are going for the live animals by trapping carrion eaters. The animal that goes for carrion is going to be trapped. Predator control is very complex.

Mr. **Waxman**. Do any of the other members of the panel have a view on that?

Dr. **Whitney**. I might just comment. When you reduce the numbers of animals in a given area by, say, trapping or any other reason there is enough food to sustain a given number and so you get much better records of reproduction so that instead of raising two or three young, they will raise eight or 10 young so in a short period of time you have the same population back again.

Mr. **Waxman**. The question that I asked is if there are going to be predator animals coming in to take livestock from a farm, what should they do to stop that? Should they use poison, traps, should they use some other kind of trap?

Dr. **Whitney**. Barking dogs and they should live with it. They moved into the territory that the wildlife is in and that doesn't mean everybody has a right to throw out everything in nature just because it suits them. Dogs will keep predators out of livestock better than just about anything.

Mr. **Buyukmichi**. There are several nonlethal alternatives available that have not been given adequate scrutiny that will be given if Congress funds them. Guard dogs will work in some situations, but not every situation. Electric fencing, mechanical scarecrows and others work under certain conditions. One of the biggest problems that—I am going to kind of turn your question around—is that in nonselective trapping the widespread killing of the predators that we do we don't get at the animals that are actually doing the predation.

For instance, coyotes, most don't want to eat sheep. They like mice and grasshoppers. That is their preferred food. They would not prefer to wrestle with sheep. A very small percentage of coyotes may become sheepkillers. When you indiscriminately trap or poison, you are not going to kill the coyote that is going to be attacking the sheep. You are going to kill perhaps coyotes that would not be sheepkillers and therefore you are going to selectively go against the population that you would like to encourage.

Mr. **Waxman**. As I understand from reading over some of the testimony, it is impossible to identify whether an animal was caught in some other type of trap or one that was caught in one of these steel-jawed traps. How would that affect the enforceability of this law? Wouldn't it make it very difficult to enforce it? Miss Russell, do you want to comment on that?

Ms. **Russell**. Yes. I put that in my statement and this came up during the New Jersey hearing. New Jersey recently banned sale, possession, use, transportation, importation of the leghold trap to be effective in about 15 months. That is another thing I an curious that Mr. Goodrich didn't know. It is impossible to identify from a pelt or an article thereof the means by which an animal is trapped. There is a virtual arsenal of traps out there, snares, Conibears, instant kills. Once the animal is skinned and once the skins are further broken down, you have no way of telling at all.

The reason I think that that is going to be remarkably easy to circumvent—the only example I can use is the continued trafficking in endangered species pelts, which are far easier to identify than the means by which an animal was trapped.

Mr. **Waxman**. Once you have said there is a problem, does that affect the enforceability of this law?

Ms. **Russell**. I believe it will. I think the language has to be strengthened or returned to its original form which was all articles of fur, because you are dealing with money and you want to elicit a reaction that is going to make States ban the trap and if they can still ship it, they won't ban the trap.

Mr. **Waxman**. Let me thank all of you for your participation in the hearing. We appreciate the contribution of each of the panelists today.

Our fifth panel includes Jimmy .Cupit, president of the Concerned Houndsmen Against the Steel Jaw Trap; Lonnie Williamson, secretary of the Wildlife Management Institute; Joe Griffith, assistant president of the Fur Takers of America; Elmer T. Davies; Don Hoyt, president of the National Trappers Association; and Parker L. Dozhier, chairman of the American Fur Resources Institute.

We would like to welcome this fifth panel of witnesses on this subject of this legislation and we are looking forward to hearing from you. Your prepared statements will be made part of the record in full. We will have to restrict the testimony to no more than 5 minutes so that we will have an opportunity to hear from everyone and have time for questions and answers.

Mr. Cupit.

STATEMENTS OF JIMMY CUPIT, PRESIDENT, CONCERNED HOUNDSMEN AGAINST THE STEEL JAW TRAP; JOSEPH L. GRIFFITH, ASSISTANT PRESIDENT, FUR TAKERS OF AMERICA; DON HOYT, SR., PRESIDENT, NATIONAL TRAPPERS ASSOCIATION, INC.; PARKER L. DOZHIER, CHAIRMAN, AMERICAN FUR RESOURCES INSTITUTE; ELMER T. DAVIS, ST. REGIS FALLS, NY.; AND LONNIE L. WILLIAMSON, SECRETARY, WILDLIFE MANAGEMENT INSTITUTE

Mr. CUPIT. My name is Jimmy Cupit. I am president of the Concerned Houndsmen Against the Steel Jaw Trap. Houndsmen are the only sportsmen who utilize the outdoors year round. Whether we carry a gun or not, we enjoy our dogs and the sound of their baying while on the scent of a rabbit, fox, or coon.

But today, we find it extremely difficult and dangerous, because of the steel jaw traps that are maiming and killing our dogs.

Steel jaw traps and hunting dogs don't mix.

Hunters are being kept out of many properties because of the bad name of trapping and traps. Farmers and the public are associating trapping with hunting, and they are wrong. What we do is sport. What the trappers do with the steel jaw trap is maim and kill wildlife and pets.

Hunters carry the brunt for this group in addition we are losing our best dogs to leghold traps, and we resent the maiming and killing that the trappers do in the name of sport.

I suppose you can know about the cruelty of certain kinds of trapping as a general proposition, but if you happen to run into it personally, it comes like a revelation just how awful trapping can be.

Even if you argue that trapping the furbearing animal is justified and that the animals will simply have to suffer so the trapper can exercise his trade, you have now answered the question of how to justify a device that will grab, maim, and torture the nonfurbearing animal just the same as it will capture the one that is wanted for its pelt.

I personally feel we need to protect the fur-bearers, too, and I believe that for our own economic good we have to have some control over how many are killed. But the torture issue is the real issue. For anyone who can't see it in relation to the furbearer, I ask them to see it in relation to their own dog or pet, because this could be the animal that is caught next. It happens all the time.

Ninety-nine percent of trapping is carried out by hobbyists, amateurs, and weekend trappers who do not engage in it for subsistence but make it a spare-time job even recreation. If the trapper has to be really skillful in what he does and use those traps that are selective in what they catch and which do not maim the animal, then a level of professionalism is required that is simply not invovled in some subteenager running out with a cheap mess of steel jaw traps, putting them all over the place, and catching anything that walks, crawls or flies down from its perch.

Very few trades a young person could grow up in will give him a worse life than trapping. But young people are pulled right into it by the older ones, and those whose stomachs don't turn the first time they have to go out on a trap line and see what happens, the ones who are least revolted by this, become the trappers who keep going, and who use the steel jaw trap, and who say that the agony of the animals isn't really as bad as it looks, we shouldn't worry about it.

Well, the concerned houndsmen and true sportsmen are worried, we are sick and tired of losing our hunting dogs and pets, we are sick and tired of losing our game at an alarming rate. There are areas in Mississippi and other States that don't have any game to hunt, and the main reason for this is the steel jaw trap. Much of the fur imported by the United States come from countries that have banned the use of the steel jaw trap.

The steel jaw trap has been used in this country since the early 19th century, and became popular because it could be manufactured for pennies, anybody could set it, it would catch absolutely anything. It was and is a trap without sense, a torturing killer. The only reason we don't realize how destructive this trap is goes back to how long it has been used—it is so very hard for us to understand that it was bad trap to begin with but far worse now than when it was invented because our own situation with animals and with populated areas has changed. We are not talking about trapping in general but we are talking about the cruel traps and the ones that catch and destroy the animals that aren't even wanted.

I would like to give you a quick run down on the cost of good hunting dogs, $200 to $400 for a beagle, $500 to $1,000 for a fox hound; $700 to $3,000 for a coon dog; $500 to $1,500 for a bird dog, not to mention the time and energy to train these dogs and the cost of their feed.

The steel jaw trap is no longer necessary, there are effective substitutes. Any man who doesn't love animals has little love for his fellow man. The only ingredient for wrong to prevail is for good men to do nothing. It is my heartfelt hope that you will consider yourselves in an excellent position to do something about the amount of pain and agony caused by the steel jaw trap.

Thank you.

Mr. **Waxman**. Thank you very much for that testimony.

Mr. **Waxman**. Mr. Griffith.

STATEMENT OF JOSEPH L. GRIFFITH

Mr. **Griffith**. Mr. Chairman, my name is Joe Griffith. I am the assistant president of the Fur Takers of America, a national federation of fur trappers with members in each of the United States.

Fur Takers of America is committed to those principles of conservation management which will lead to improved furbearer populations and public support of trapping and the fur trade.

Passage of H.R. 1797 would mean the end of trapping in the United States, since it would prohibit interstate and foreign commerce in every kind of effective animal trap manufactured today, and interstate and foreign commerce in furs caught with them.

It would mean the end of a 377-year-old American tradition, the oldest commercial industry in our Nation. And it would mean the end of Christmas presents, television sets, and braces for the children's teeth in thousands of families.

A national profile of trappers indicated that the average trapper is a decent, hardworking American, a skilled laborer with a high school diploma or better. He or she lives on a farm, or ranch, or in some other rural setting.

But in spite of industry and thrift, the trapper's income is only a little more than $11,000 a year. And fully $1,958 of that comes from profit realized from trapping. According to the most conservative estimates, there are at least 500,000 trappers in the United States.

Trappers earn a total income of $5.5 billion, from which H.R. 1797 would take away, at the very least, $979 million. If this bill is successful, as many as a half a million families could be reduced to begging for food stamps and other handouts from the same Government that had deprived them of the means to make ends meet.

But the trappers themselves would not be the only losers if this bill were to become law. The Nation as a whole would suffer, and the wild animals which this bill is supposed to protect would suffer most.

Right now, as a result of modern fish and wildlife management, many wildlife populations are the healthiest they have been in the known history of North America. Trappers are justly proud of their share of this achievement.

The trapper's commitment to wildlife conservation is well known to conservationists but often overlooked by the general public. Trappers participate in the conservation movements of each State.

Trapper organization leaders work with the State wildlife agencies in the drafting of laws and regulations to protect wildlife resources. Trappers are among the staunchest supporters of scientifically established harvest seasons and bag limits, and they are equally staunch supporters of strict enforcement of conservation laws.

And that support can be measured in dollars, as well. The average trapper not only pays whatever fees are required for trapping, but he also buys a license to hunt small game, a license or permit to hunt deer, a Federal duck stamp, and a State duck stamp if required, a fishing license and, as in my own State of Maryland, a trout stamp.

The total average amount spent by the average trapper for all such licenses and fees is $45.19, which is, at the very least, a yearly contribution of $22,595,000.

If H.R. 1797 is successful, State and Federal conservation agencies will have to do without the trapper's funding.

Opponents of trapping make much of the inadvertent catching of nontarget animals. At best, such claims are exaggerated. An important part of the trapper's skill has to do with avoiding such catches.

Since 20 percent of his family's income depends on that skill, the trapper can hardly afford not to be selective. And he is remarkably successful.

Such cases are extremely rare. What the antihunter never tells you is that when you set a trap for a fox, the nontarget animal you are most likely to catch is a raccoon, or skunk, or opossum. When you set a trap for a muskrat, the nontarget animal you are most likely to catch is a mink.

In almost every case, the so-called nontarget animal is some other valuable furbearer. Statistics, even those distributed by responsible Government agencies, do not reflect this fact. But the real beauty of the leghold trap is, that when an unwanted animal is caught, it can be released unharmed.

Reports of brutal injuries to trapped animals are entirely overblown. It is not 44 years since a kind neighbor first allowed me to accompany him on his trap line. In all the years since, I have never seen the kind of damage reported by antitrappers. I have never heard of that kind of damage from anyone who had actually witnessed it.

Opponents of trapping make much of the inadvertent catching of nontarget animals. At best, such claims are exaggerated. An important part of the trapper's skill has to do with avoiding such catches. Since 20-percent of his family's income depends on that skill, the trapper can hardly afford not to be selective. And he is remarkably successful. Such cases are extremely rare. What the antihunter never tells you is that when you set a trap for a fox, the nontarget animal you are most likely to catch is a raccoon, or skunk, or opossum. When you set a trap for a muskrat, the nontarget animal you are most likely to catch is a mink. In almost every case, the so-called nontarget animal is some other valuable furbearer. Statistics—even those distributed by responsible government agencies—do not reflect this fact. But the real beauty of the leghold trap is, that when an unwanted animal is caught, it can be released unharmed.

Reports of brutal injuries to trapped animals are entirely overblown. It is now 44 years since a kind neighbor first allowed me to accompany him on his trapline. In all the years since, I have never seen the kind of damage reported by antitrappers. I have never heard of that kind of damage from anyone who had actually witnessed it. I have never met a trapper who was either cruel or inhumane, or whose purpose was to hurt or cause pain, or torture animals. We use the best, most effective tools we can buy or invent, and that means we depend on the leghold trap more than any other.

Trappers are experienced outdoorsmen who love and respect wildlife. We harvest a valuable, renewable natural resource. We keep ourselves and others off welfare rolls. We help finance our Nation's conservation efforts with significant sums of money and even more direct participation. Our activity is the first link in a chain of related industries of considerable importance to our national economy. We depend on the steel leghold trap to do that. We urge you, please let us keep on performing our valuable services to our own families, and our whole society.

Mr. WAXMAN. Thank you very much, Mr. Griffith.

STATEMENT OF DON HOYT, SR.

Mr. HOYT. Mr. Chairman, my name is Don Hoyt. I am here to speak for the National Trappers Association, and I thank you for the opportunity to do so.

They call it a leghold trap. In reality, it is a foothold trap, a simple device which holds an animal by a numbed paw until it is humanely dispatched by the trapper, usually very early in the next morning.

It is called a cruel instrument of death by animal worship cults and a very practical wildlife management tool by learned wildlife biologists. Let's consider who is best qualified to judge.

Scientific wildlife management is one of the great success stories of the 20th century. In spite of the encroachments of civilization, many species of wildlife are more abundant today than they were 50 years ago.

Obviously, somebody has done something right. That somebody is dedicated biologists who have made a career of wildlife management. They have graduated from some of our finest universities and collectively have many decades of experience.

The animal worship cults are spearheaded by people of diverse backgrounds. One was founded by a retired Army major who made a lucrative career for himself. Another was founded by a housewife.

There is nothing to suggest that they are in any way qualified to expound on wildlife management and/or the tools of wildlife management. Their views are based on emotion and emotion alone.

They publish misleading photos, twist facts and lie a lot, but they never forget to say, send money. I must question their honesty and sincerity, because they feel ever so sorry for a coyote with a numbed paw in a trap, but are not concerned about a baby lamb with its guts torn out.

Misadvised persons point to devices such as cage traps, padded traps, and leg snares as alternatives to the leghold trap. While these devices will catch and hold some animals under some conditions, they are only a tool for special applications.

The foothold trap is to the trapper what the shotgun is to the duck hunter. Arrows and slingshots can kill a duck, but they will never replace the shotgun.

On November 17 and 18, 1975, 2 days of hearings were held on H.R. 66, a bill similar to H.R. 1797. The wildlife community had its say. A group of movie stars, TV critics, and kindred wildlife experts had their say.

The bottom line was and still is that there is no viable, practical alternative to the leghold trap.

Nothing has changed from that day to this, so why are we here? The foothold trap is called a necessary wildlife management tool by the American Farm Bureau Federation, the American Forestry Association, the International Association of Fish and Wildlife Agencies, the National Cattlemen's Association, the National Wool Growers Association, the Wildlife Society, the National Rifle Association, the U.S. Animal Health Association, the U.S. Department of Agriculture, the U.S. Department of the Interior, the Wildlife Disease Association, the Wildlife Management Institute, and the National Wildlife Federation.

Congressman Scheuer made the statement that we would have to be arrogant, ignorant fools if we could not learn from a foreign country which might be ahead of us in a particular facet of wildlife management.

The fact is that the 59 countries that have banned the foothold trap are still in the Dark Ages in matters pertaining to wildlife management. The experts are the biologists in the Fish and Game Commissions in the States, and with the U.S. Fish and Wildlife Service, and they are 50 years ahead of the rest of the world in this field.

I would suggest to Congressman Scheuer and everybody else that indeed we would be arrogant, ignorant fools if we did not listen to these learned scientists. Whether it be medicine or any field, Congress is guided by experts in that field who know what they are talking about.

That is only common sense. Let's do it here.

[Mr. Hoyt's prepared statement follows:]

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NATIONAL
TRAPPERS
ASSOCIATION
INC.

TESTIMONY BEFORE THE SUBCOMMITTEE ON HEALTH AND THE
ENVIRONMENT OF THE HOUSE COMMITEE ON ENERGY AND
THE ENVIRONMENT
ON H. R..1797

August 3, 1984

MR CHAIRMAN:

My name is Don Hoyt, Sr.,President of the National Tappers Association. (NTA) The NTA is a membership organization composed of over 20,000 men, women and young people who trap in 49 states. 1984 will mark the Siver Anniversary of the NTA.

Mr. Chairman, we appreciate the opportunity to present testimony before your Subcommittee on H. R. 1797,a bill to prohibit the interstate or foreign shipment into commerce of fur pelts taken in a"steel jaw leghold trap" and to ban the shipment into interstate or foreign commerce the "steel jaw leghold trap" itself.

First of all, Mr. Chairman, I would point out that the proper designation of the trap in question is not the "leghold" trap but the "foothold"trap. Too long, this misdesignation has caused confusion and misunderstanding.

I believe it is important to understand just what the language of the proposed legislation will and will not do. Thd term "steel jaw leghold trap" is defined as any "spring-powered device which captures or holds an animal by exerting a lateral force with fix-mounted jaws on any part of the animal's body." H.R. 1797, Sec. 2(3). By such language you would, not only ban the foothold trap used throughout North America, but prohibit use of the common mouse trap and the killer Conibear and Bigelow traps. Although this result may not have been intended, any careful review of trapping techniques and trapping devices would have disclosed this circumstance. If, however, this result was intended, it is obvious that the proponents of this legislation have no understanding of trapping at all. Under either interpretation, it is clear that those who support this bill do not understand the necessary role of trapping for animal damage control and wildlife management.

To understand trapping and its place in today's society, it is necessary to review its history as it relates to wildlife management. It is regretably true that without regulated harvests wildlife during the 18th and 19th centuries suffered from over exploitation. The belief that unlimited resources did not require management or protection prevailed until the late 1800's. The drastic elimination of certain big and small game and some furbearers from large expanses of original habitat brought about the realization that the management of wildlife was mandatory. The support of wildlife management programs, law and regulations, funding and political support basically came from hunters, trappers and fishermen. Today the excesses of the past are history. The only real threat to the future conservation of fur bearers in North America today is habitat degradation and destruction caused by urban expansion and industrial development. Consequently, it is more important than ever that management the renewable resources of wildlife be dependent upon concepts of scientific and professional wildlife management in order to maintain appropriate levels of populations within given ranges and habitat.

It must be understood by the Subcommittee and the general public that trapping has a major and intergal role in the success of wildlife management. For example, over population of furbearers can, and does, result in disease, parasitim and starvation. Such control is also necessary to reduce damage caused by animals. Damage to livestock and agriculture is in the millions of dollars annually. In the decade between 1970 and 1980 over a billion dollars of forest products was lost by the timber industry due to populations of beaver. Millions of dollars are also lost annually by cattlemen and sheepgrowers, while agriculture continues to suffer from damage by furbearers. If the free enterprise incentive did not permit the trapper to maintain animal damage--the government, Federal, State and local-- would have to use more tax dollars to do more than they do now.

Control is also necessary in relation to other wildlife. The intense efforts to increase whooping crane populations required trapping of coyotes to protect the crane chicks. Trapping of racoons was necessary to decrease predation of peregrine falcon chicks. The tremendous recovery of wild turkey necessated trapping as a control factor of predation to protect newly released turkey chicks.

Wildlife management concepts that include trapping also relate also relate to the important aspects of human and wildlife health or desease control. For example, in neighbouring Mongomery County, Maryland there are more reported cases of rabid animals than any other state. The foothol . trap is outlawed in Mongomery County, but to control the furbearer populations trappers have been called upon by authorities to trap with the foothold trap. It is true that communicable diseases borne by furbearing wildlife is not wide spread, but it is also true that trapping controls wildlife populations to avoid such circumstances.

At this point, I would submit that through wildlife management principles, trapping is an important and necessary factor in maintaining appropriate furbearer populations and the foothold trap is an important tool in this program. That being the case, the next question is the method of trapping to achieve the objective.

The basic design of the foothold trap was created in 1823. Many modifications have been made since that time to make it more effective and efficient. It has been charged many times that a nation that has the technology to put a man on the moon, should be able to replace this trapping tool.

This charge raises two basic questions: First, should it be replaced and second, what efforts have been made in trapping research.

The first inquiry, ofcourse, addresses the question of humaneness. "Humaneness", obviously, is a subjective term. In law, the only place where it has been defined as relates to taking of animals in the wild, is an the Marine Mammal Protection Act whereby it is described as "that method of taking which involves the least degree of pain and suffering practable ...." 16 U.S.C., Sec. 1362 (4). Incidentally, the "stun and stick" method of taking seals, which has been termed inhumane by many of the organizations represented here today, has been legally determined "humane" under the Act by the United States District Court for the District of Columbia.

Thus, the question of humane treatment is, at best, relative. Clearly, the quality of life in the wild is not a humane existance by human terms. Disease, predation, exposure and starvation are ever present aspects to wildlife. There is not a retirement home for aged animals. However, these conditions are natural circumstances of wildlife. Consequently, the issue is whether or not trapping is inhumane in itself.

It is conceded that a trapped animal - using any trap - experiences some degree of pain and stress. Those animals taken in killer traps or drown sets obviously die quickly and therefore, suffer very little, if at all. The animals who fight a restraining trap experience discomfort to some degree. I would quickly point out, however, that such "suffering" is no more in degree than domestic animals experience when they are castrated, dehorned, branded, raised in a confined environment or other accepted activities designed to achieve efficient stock programs. In the foothold trap, any pain is slight at time of capture and will remain that way, unless the animal is nervous or harassed. Most trapped animals, after attemping to dislodge themselves from restraint, will lie down quietly and await some unpredictable event. The attempt to escape has little to do with a question of pain, but only with the desire to excape. The time of "pain" for a trapped animal, which ends in death, is usually less than for a dog who has been neutered.

The degree of pain is directly associated with the variable length of time in a 24 hour period of the animal capture. Trappers in most states are required to check their traps every 24 hours. Some states have a 48 hour rule depending on mountains, tidess and other geographical limitations.

A second question related to the humane aspect of the foothold trap is its repalcement with live or killer traps. It must be understood that live and killer traps are not available that will efficently and consistently catch fox, bobcat, lynx, coyote or other such species. Killer traps can also kill non-target species. A killer trap large enough to kill a coyote can just as easily kill a dog, pig or a child. Killer traps do not allow for selective release, which can be done with the leghold trap. Snares, outlawed in many states, have the same limitation as as other killer traps. Live traps are not "practicable". They are cumbersome and not as effective as the leghold.

This discussion brings us to the question of research to develop a trapping tool to replace the foothold trap. First of all, I would challenge many of those who would oppose the leghold trap to demonstrate their concern by the monies that they have contributed to that research. By in large, it is zero. Further, those who violently oppose the foothold trap do not have the experience, training or education to give a proper evaluation. The major point is, however, that research on trapping techniques is ongoing and continuing. According to the Canadian Federal/Provincial Committee for Humane Trapping over 4000 patents on traps or trapping devices have been issued by the Canadian and U.S. Patent Offices in the past 100 years. This Committee spent over five years studying trapping in general and the leghold trap in particular. Their definition of "humane capture" means " a capture during which an animal is held with minimal overt distress, and with minimal physical damage". In a report issued in 1981, it was recognised that the foothold trap was necessary to be used for some species. Further study continues. The newly organized Fur Institute of Canada supported by government, trappers and other menbers of the fur industry is continuing the work of the Federal Provincial Committee, This effort is financially supported by trappers, various elements of the fur industry and conservation groups in the United States. Congress recognises the need for such research by mandating that the Fish and Wildlife Service use a portion of its funds for animal damage control purposes to engage in research on trapping devices and annually report to Congress.

In summary, no device has been invented and sufficently tested that can replace the leghold trap. All the emotional rhetoric will not change this basic fact.

The National Trappers Association supports trapper education and continual trap research. It must be understood, however, that trapping and the use of the leghold trap is an **efficient** and effective tool in wildlife management. To eliminate its use would be a vital blow to furbearers by decline in populations by starvation and disease through overpopulations within limited habitat. Man and wildlife cannot afford to have such a circumstance result based on emotion and not fact. Certainly, the Congress of the United States cannot be responsible for such action.

Thank you again for permitting the National Trappers Association to present this testimony.

Mr. Waxman. Thank you, Mr. Hoyt.

Mr. Dozhier.

STATEMENT OF PARKER L. DOZHIER

Mr. Dozhier. Thank you, Mr. Chairman. I am Parker L. Dozhier, chairman of the American Fur Resources Institute. We represent trappers, fur buyers, fur makers, and those involved in the fur trade in this country.

I will depart from the prepared testimony and attempt to address a few of the issues brought before the committee today. Yes, trapping is an emotional issue, a very emotional issue.

Unquestionably, the urban knights that are here today that represent the forces that sponsor this piece of legislation are very emotional. I can assure you that if they were close to the land like the people that I represent, they would be emotional when they see cattle castrated, hogs docked.

Yes, sir, they will be emotional. Maybe there are a lot of things happening on the farm that they would be emotional about, but these are the people that work the casual labor on the farms, the loggers, commercial fishermen, the men in the coal mines.

These are people close to the land and they are going to be emotional, too, about the banning of the leghold trap, the trap that was handed down possibly from a grandfather to his grandson, the first money that this child ever made was from a fur buyer and from the fruits of the land.

Yes, they will be very emotional when you strip them of their heritage. Yes, they are going to be very emotional when you take the oldest trade in this Nation, when the Mayflower sailed back, it was loaded with a cargo of furs.

Thomas Jefferson sent Lewis and Clark west to catalog and inventory the fur resources. It is a very emotional issue, and yes, countries have banned the leghold trap, such world powers like Gambia and Saint Lucia, about the size of the District here.

But there are three major fur-producing nations in this world. The largest is the U.S.S.R., the second largest is the United States, and the third largest is Canada.

It is quite an industry. It is the cleanest, most nonpolluting industry that we have in this Nation today. Certainly, Gambia can ban the leghold trap. With all likelihood, they could ban the automobile with no adverse effect to the economy or the people.

You could walk from one end to the other in less than a day. These are the people that produce your food and clothing. We are talking about pain, and our understanding of pain. We heard a veterinarian say how painful the leghold trap is.

I started trapping over 35 years ago. I have not seen the type of pain and suffering, but I have watched cattle, sheep, and horses give birth. I don't hear a sound. They aren't telling me anything.

I have also heard a human give birth and those sounds, too. Until the animal can talk to me, I don't know and I don't believe there is a scientist or a veterinarian in the room today that understands an animal's perception of pain, and until those animals can talk in our language, I don't believe we will.

Yes, sir, in the early seventies, this same Congress banned poisons and toxic agents. The people that lived close to it at the time could walk to the corner drugstore and get strychnine and take care of the animals killing their stock.

Does this Congress want to take another tool, the last remaining tool? Is that the tool they want now? Are you planning on quitting eating and wearing clothing? Is that what Congress intends with this piece of legislation?

You have heard about hunting dogs. I can assure you that there are a number of States that have restrictive legislation with regard to the trap. That restrictive legislation was brought about by gentlemen just like this houndsman.

That is greed and competition for the resource. They are after the same coon or the same fox. Greed, that has brought forth our restrictive legislation in Florida and in Tennessee and in South Carolina. Greed.

When a dog is selling for $1,000, you have got to put fur in that dog's mouth on a weekly basis. They have to have a lot of animals, certainly they want the trap banned, and they have been successful in some States.

Eagles are in fact caught in leghold traps, but I think you will find that collision with automobiles and electrocution is the primary cause for fatality of eagles.

The fur trade of this country is one of the cleanest nonpolluting trade that we have. It does not need to be fertilized, plowed, only harvested. Nothing is going to fall from the sky.

No alternative, no one trap that will work from the swamps of Louisiana to the tundra of Alaska that will replace the leghold trap. Thank you.

[The prepared statement of Mr. Dozhier follows:]

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STATEMENT
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AMERICAN FUR RESOURCES INSTITUTE
ON H.R. 1797
BEFORE
SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT
OF THE
HOUSE COMMITTEE ON ENERGY AND COMMERCE

August 3, 1984

MR. CHAIRMAN: My name is Parker L. Dozhier, Chairman of the American Fur Resources Institute (AFRI). AFRI represents trappers and rural fur buyers throughout the nation and was created to work for appropriate legislation and regulation that supports scientific and professional wildlife management on a state and national level. We sincerely appreciate the opportunity to testify before your Subcommittee today on H.R. 1797.

There are over 500,000 men, women and young people who are trappers in this nation who produce between 300 and 400 million dollars worth of fur pelts annually. The total fur trade in the United States is a billion dollar industry and one of the few domestic industries that enjoys a favorable balance of trade. Trappers and members of the fur industry vigorously support wildlife conservation and sincerely believe that, through proper professional wildlife management as administered by the states, the renewable fur bearer resources can be utilized for the benefit of wildlife and man. The harvest of furbearers in concept is absolutely no different than the harvest of sheep, cattle, swine or chickens in that these species are renewable resources which man can appropriately utilize when sufficient breeding populations are maintained.

The specific issue before this Subcommittee is the banning of the leghold trap which is a tool presently utilized in fur bearer management programs throughout this nation. If I may suggest, Mr. Chairman, this review should include the elements of economics, public health, predator control for animal and crop damage and, of course, the needs of professional wildlife management. Certainly, there also must be an appropriate and rational consideration concerning the question of humaneness as it would apply to the leghold trap. I suggest, however, that such a review should not include irresponsible emotionalism - no matter how fervent the rhetoric.

One of the initial considerations to analyze trapping and the use of the leghold trap in its relationship to wildlife management is to understand that branch of science that is concerned with the interrelationship of living things and their environment. That science is ecology and the prime factor in that interrelationship is land use. Obviously, our urban, industrial and highly technical society has drastically altered, destroyed and degraded much of the natural habitat and environment. Clearly, without management through human intervention, wildlife populations could expand to proportions that would be environmentally damaging through disease, depredation and habitat deterioration. Consequently, the population status of any given fur bearer is directly related to, not only the quantity, but the quality of habitat.

Through controlled wildlife management programs involving seasonal harvests of fur bearers by trappers and hunters, an appropriate balance can be achieved in the existing natural environment. Trapping is an essential element in those wildlife control programs; further, the leghold trap is one of the essential tools in the trapping system.

Also related to the natural environment consideration is the question of man's use of the environment for food, raw materials, living and working space, absence of disease, transportation, communication and other modern living demands. Consequently, much of this discussion actually concerns the question of economics which are multiple.

Crop, land and animal damage by fur bearers is a major consideration. For example, in the decade between 1970 and 1980, over a billion dollars of damage to crops, roads, land and timber was cuased by the beaver. Foxes threaten poultry farmers; muskrats and beavers undermine fields, ponds and roads, destroy crops, timber, fruit trees and drainage systems; beaver can also cause extensive damage to fresh water fish programs; raccoons, skunks and opossums can, not only be a nuisance in urban areas, but can be destructive as well. Muskrats can cause severe damage to aquatic vegetation and root systems destroying wetlands which, in turn, can impact on waterfowl, fish and other wildlife in wetlands. In discussing economics, it is also worth noting that the conservation by product of fur pelts resulting from such management programs provides an important source of income and food supply to all levels of the economic scale including those who might not otherwise have it, such as retirees and young people.

Disease involving fur bearers and man is a continuing serious management responsibility. Although not the only disease, rabies is the most commonly known one that is transmitted from animal to man. In the neighboring Montgomery County, Maryland where the leghold trap is prohibited, there are more cases of rabies than any other state in the nation. Skunks, foxes and raccoons are the most common species that transmit this dreaded disease. Presently, rabies among raccoons has reached an alarming rate on the East Coast. The main reason for the increased incident of rabies is over population.

Beaver and muskrat can transmit a giaredia lamda through introduction in water supplies. Recently, 10,000 people in Vail, Colorado were struck down with extreme cases of diarrhea due to such transmission.

Weil's disease in man is identical to leptospirosis in wild species. Tularemia can be transmitted from animal to man. Distemper and mange can also result from high density fur bearer populations. There is, therefore, a continuing need for trapping to reduce the potential spread of disease as well as monitoring the health of fur bearer populations.

The question of the type of trap used is obviously at issue here today. The "trap" covers multiple devices that can be divided in two types - those that instantly kill and those that restrain. The leghold trap is a restraining trap that can be set on land or in water. When used in water, it can become a killer trap. Many refer to the steel leghold trap as the steel jaw trap which conjures up the image of serrated teeth. No such jaw traps are used today that have this configuration and, in face, are not even manufactured.

The basic design of the leghold trap is over one hundred sixty years (160) old, although many modifications have been made to make it more efficient and effective. Trap study and research is continuous. According to the Canadian Federal Provincial Committee for Humane Trapping, over four thousand (4000) patents on trapping devices have been granted by the United States and Canadian Patent Offices in the past one hundred (100) years. The leghold trap, however, continues to be the most effective trap for certain fur bearer species.

A killer trap such as the Conibear or Bigelow can be used for some species. However, it has its limitations in several respects. Clearly, they should not be used in areas where they may be accessible to children or pets. A Conibear large enough to kill a beaver or coyote can kill a child. Further, the killer trap does not provide the option of releasing non-targeted animals. It kills anything that walks through them: cats, dogs, pigs or game birds. In most cases, a non-targeted animal can be released from a leghold trap without permanent injury as study after study indicates. Killer traps, then, are not an alternative to the leghold trap. Snares are also nonselective and asphyxiate the animal.

Box or cage traps can be used for certain purposes and circumstances such as animal research and relocation. They are not effective, however, for long legged predators such as the red and gray fox. Also, such devices are impractical to carry on long trap lines.

One of the questions associated with the leghold trap is the issue of humaneness. "Humane capture" has been defined by the Canadian Federal Provincial Committee for Humane Trapping as "a capture during which an animal is held with minimal overt distress, and with minimal physical damage". Report, FRCHT, §2.2 (June 1981). The Committee defined "trapping system" as "a set applied that best suits conditions of climate, terrain, and animal behavior." [Emphasis added] Id. at §2.24, p.73. The only place where a definition appears in U.S. Federal law as it relates to wild species is in the Marine Mammal Protection Act where it states that humane "means that method of taking which involves the least degree of pain and suffering practicable......" [Emphasis added]. Pub. Law 92-522 §3(4); 16 U.S.C. §1362(4). Although there may be some difference of opinion under certain conditions concerning alternative trapping devices, it seems clear that the trapping system employing the leghold trap is the only practicable manner to catch and control many fur bearers under certain conditions given the factors of climate; terrain or animal behavior. We would emphasize the fact that, although continued research and study is taking place, which AFRI financially supports there is presently no device that exists that has been sufficiently tested that is as effective and efficient as the present leghold trap.

Those who would decry the use of the leghold trap in wildlife management programs would emphasize the quality of death of the species trapped rather than their quality of life. From the human standpoint, wild fur bearers live and die in a constant state of violence, fear and pain seldom experienced by man. Many persons view wild animals from an antropomorphic standpoint by applying human feelings, reactions and thought processes to them.

Such emotionalism is, thus, transferred to abhorence to the use of leghold traps. The fact is, however, fur bearers trapped in the leghold trap encounter deaths that are no more violent or protracted than they would experience through predation, injuries, diseases, starvation or exposure. It is most important that we view the natural world objectively and rationally when making decisions involving the management of wild species.

Today, the leghold trap when properly used still remains the most reliable technique developed to date for harvesting certain fur bearers. As stated in a book recently published by the International Association of Fish and Wildlife Agencies in cooperation with the Maryland Department of Natural Resources:

> Steel-trapping is the most efficient, effective and desirable method known for harvesting, containing or reducing fur bearer populations. The alternative methods are usually either ineffective, economically prohibitive, non selective (injurious to other animal populations, both wild and domestic), or dangerous to man. E. Deems & D. Pursley, Editors. "North American Fur Bearers - A Contemporary Reference", p.5 (1983).

It is also important to note that no fur bearer trapped in North America for its pelt is endangered nor threatened with endangerment. In point of fact, the elimination and degradation of habitat due to demands through urban and industrial development constitute the only real source of threat to our nation's fur bearers. On the contrary, most fur bearers trapped are so abundant that without trapping far more serious damage would result to crops, livestock, poultry, timber, ponds, marshes, dikes, roads and other areas of the agro-business community. It is an established fact that the spread of certain diseases is directly associated with animal population density. Consequently, the use of trapping manages fur bearer populations and, therefore, reduces the potential for the increase of disease. Such a circumstance maintains healthy and stable fur bearer populations.

In sum, Mr. Chairman, from the professional and scientific wildlife management vantage point, trapping, and particularly, the leghold trap, is an essential element. And, it is respectfully submitted, that the use of the leghold trap is an appropriate and reasonable approach to the problems of managing fur bearers in this nation. To eliminate its availability would be to seriously hamper existing wildlife management programs based upon opinions which aboid the truth concerning its use.

Sir Winston Churchill one said, that "man occasionally stumbles over the truth, but most of them pick themselves up and hurry off as if nothing has happened." We sincerely hope that this Subcommittee and the Congress does not avoid the facts that constitute the truth in the utilization of the leghold trap.

Thank you.

Mr. WAXMAN. Mr. Davies.

STATEMENT OF ELMER T. DAVIES

Mr. DAVIES. Thank you, Mr. Chairman, for the opportunity to express my own views, my own private views on the necessity of H.R. 1797.

First to discuss the bill, this bill as I understand it would allow the nuisance and disease control people of the State and Federal Governments to continue to use the existing stocks of steel traps in their work.

It would not cut them off suddenly. It would allow for a gradual changeover to the more humane traps, thus saving on the more expensive crash program of a complete one-shot changeover.

This bill with regards to the shipment of furs caught in steel traps appears to me to be nearly impossible to enforce, but perhaps time and the phaseout of the steel trap would take care of this.

We must view trapping today differently from, the way we did 50 years ago, when to some it provided part of the family income. Today, except for trapping nuisance or diseased animals, trapping is a recreation and not a business.

I am sure that a check with the IRS would reveal that only a small percentage declare proceeds from furs as a part of their overall income. Taking this into context, no recreation should inflict pain as part of the sport.

American people are not the type to stand by for pain and suffering of either human or animal. Given alternatives, I believe that the choice will surely be the most humane way.

From my many years of association with thousands of trappers, I have come to believe that most trappers do share a common concern for the animals they trap. Give them a choice and I feel sure that they will choose the most humane method.

Couple this with a humane method of quick dispatch and the trapper is going to feel much more content with what he is doing, but good alternatives must be available to them.

On June 20 of this year, I reached the age of 70. Over 50 years of that time, I have been involved in wildlife trapping. Naturally, within the legal seasons. The last 25 of those years, as a full-time professional trapper for the State of New York.

For most of those years, I used the steel-jawed trap and although I used this trap for all these years, I was always dissatisfied with what it did to the species caught. I was always aware of the pain and suffering that was inflicted on the animal or bird that it held.

Because of this awareness, I was moved to look for something as efficient as the steel-jawed trap but more humane.

I started out with the criteria set forth, it had to be humane, it had to be efficient, it had to be easy to set, it had to be light to carry, it had to be easy to conceal, it had to be easy and therefore cheap to manufacture, and sold at a reasonable price.

This criteria was met in the final version of the Ezyonem leg snare. There are other humane traps being offered, but I am most familiar with the Ezyonem.

The Ezyonem leg snare is a nonprogressive holding device. It does not continue to get tighter and tighter as the animal struggles to be free. The cable that holds the leg is neoprene-coated to elimianted chafing or cutting. The body of the trap is made of fiberglass-reinforced polycarbon.

A smooth round surface is presented so that tooth damage from chewing is eliminated. The Ezyonem leg snare can be used in any type of set that is commonly used with the steel trap.

This does away with trappers having to learn new methods. I think part of the problem with trappers not getting away from the steel-jawed trap is because of learning new methods.

The price is comparable to the traps now used. This didn't happen overnight. From conception to production, the Ezyonem has taken 15 years to become a trap that is good enough, I feel, to offer to the trapper.

These have been field tested every step of the way. As was brought out here before, many of our States have laws that forbid the use of the leg snare, and the States that have these laws, perhaps H.R. 1797 would have the tendency to entice these States to rewrite broader laws and allow other methods.

New York State practically eliminates anything but the steel-jawed trap. "It does eliminate anything but the steel-jawed trap." If the States are enticed to write broader laws, I am sure that there would be innovative, humane methods surface.

Naturally, they are only going to surface when there is a market for them. Thank you very kindly.

Mr. WAXMAN. Thank you very much, Mr. Davies.

Mr. Williamson.

STATEMENT OF LONNIE L. WILLIAMSON

Mr. WILLIAMSON. Thank you, Mr. Chairman. I am Lonnie Williamson, secretary of the Wildlife Management Institute.

The institute opposes enactment of H.R. 1797 because it would curtail the use of a very effective wildlife management tool, the leghold trap. The bill would also inhibit the judicious use of productive and renewable fur resources, and put unwarranted restraints on those involved in agricultural production and human health protection.

H.R. 1797 is legislation that salves human emotions. It does not respond to any biological or ecological need of wildlife populations. In fact, it disregards the indisputable experience the leghold traps are the only practical implements for many situations where wild animals must be caught to protect associated wildlife populations or serve human needs.

The bill merely contends that such traps should be banned because they are inhumane. And we are aware of no evidence that shows properly used leghold traps to be less humane than any other effective capture device.

Consequently, we cannot respect the bill's approach, abide its disregard for wildlife, nor accept its contention.

The committee has heard a lot of pro and con arguments about the value of leghold traps to control the spread of wildlife diseases such as rabies, to which humans are susceptible.

I am not aware of any research that is convincing one way or the other. Those of us who have been involved professionally in wildlife disease research and control do know, however, that the incidence of almost any infectious disease in a wildlife population is directly related to animal density.

That fact has been witnessed many times and really takes nothing more than common sense to decipher. If there are fewer raccoons in an area, there will be fewer incidences of rabies in raccoons, and fewer incidences of people contacting rabid raccoons, and thus fewer people contracting rabies from raccoons.

Therefore, if a raccoon rabies outbreak appears imminent in an area, it would seem prudent to reduce the number of raccoons in that region and consequently reduce the risk to humans in case the disease does appear.

The most practical way to lower a raccoon population or other similar upland mammals over a large area quickly is with leghold traps. Therefore, it would seem unwise to preempt such action before an acceptable substitute for leghold traps is developed.

The institute strongly supports continued efforts to improve the leghold trap and to develop a better alternative. The trap has been improved in recent years, but there still is no worthy replacement.

Thus we encourage the committee to consider fully the implications of H.R. 1797 to wildlife conservation, agriculture and human health. After doing so, we believe the bill will be rejected.

Thank you.

[The prepared statement of Mr. Williamson follows:]

Wildlife Management Institute

Dedicated to Wildlife Since 1911
Suite 725, 1101 14th Street, N.W.
Washington, D.C. 20005
202/371-1808

Statement of Lonnie L. Williamson
before the
Subcommittee on Health and Environment
Committee on Energy and Commerce
on
H.R. 1797
August 3, 1984

Mr. Chairman:

I am Lonnie L. Williamson, secretary of the Wildlife Management Institute which is headquartered in Washington, D.C. The Institute's program, established in 1911, is devoted to the restoration and improved management of wildlife in North America. We appreciate the invitation to present our views on H.R. 1797.

The Institute opposes enactment of H.R. 1797 because it would curtail the use of a very effective wildlife management tool, the leghold trap. The bill also would inhibit the judicious use of productive and renewable fur resources, and put unwarranted restraints on those involved in agricultural production and human health protection.

H.R. 1797 is legislation that salves human emotions. It does not respond to any biological or ecological need of wildlife populations. In fact, it disregards the indisputable experience that leghold traps are the only practical implements for many situations where wild animals must be caught to protect associated wildlife populations or serve human needs. The bill merely contends that such traps should be banned because they are inhumane. And we are aware of no evidence that shows properly used leghold traps to be less humane than any other effective capture devise. Consequently, we cannot respect the bill's approach, abide its disregard for wildlife, nor accept its contention. ①

Wildlife managers struggle constantly to preserve a reasonable portion of this nation's natural resources. Overall, it has been a losing battle as growing human populations occupy more land and evict wildlife. Those responsible professionals cannot afford to lose a single tool now at their disposal. The leghold trap is no exception.

Most people outside natural resource management do not consider that the prohibition of leghold traps would have effects far beyond the economic use of furbearing animals. It would be an equally frustrating restraint on programs designed to perpetuate furbearing species and other animals with which they must share habitat. The ability of muskrats, for example, to destroy marshes needed by a broad array of wildlife is often sited as a reason for leghold traps, and rightly so. Less well-known, however, is the role that leghold traps play in keeping privately owned wetlands from being converted to croplands, pasture and the like. Soybeans and cattle obviously produce more income to the landowner than sapsuckers and cranes. Thus, there is economic pressure to destroy wetlands. But in many instances, furbearers produced in wetlands offer an economic incentive not to change land use. Without the leghold trap with which to efficiently crop those furbearer populations, the economic incentive would disappear, as would the wetlands and numerous associated wildlife populations.

The responsibilities of wildlife managers go beyond restoration and enhancement of wildlife. Sometimes they include control of certain animal populations that create problems. Coyote, fox or feral dog control to protect domestic sheep is an example. Without leghold traps, the only practical alternative to controlling such animals are chemical poisons that are far less selective and more dangerous to wildlife and man.

The Committee probably will hear a lot of pro and con arguments about the value, or lack thereof, of leghold traps to control the spread or reduce the threat of wildlife diseases such as rabies to which humans are susceptible. I am not aware of any research that is convincing one way or the other. Those of us who have been involved professionally in wildlife disease research and control do know, however, that the incidence of almost any infectious disease in a wildlife population is directly related to animal density. That fact has been witnessed many times and really takes nothing more than common sense to decipher. If there are fewer raccoons in an area, there will be fewer incidences of rabies in raccoons, and fewer incidences of people contacting rabid raccoons, and thus fewer people contracting rabies from raccoons. Therefore, if a raccoon rabies outbreak appears imminent in an area, it would seem prudent to reduce the number of raccoons in that region and consequently reduce the risk to humans in case the disease does appear. The most practical way to lower a raccoon population or any other of the upland mammals over a large area quickly is with leghold traps. Therefore, it would seem unwise to preempt such action before an acceptable substitute for leghold traps is developed.

The Institute strongly supports continued efforts to improve the leghold trap and to develop a better alternative. The trap has been improved in recent years, but there still is no worthy replacement. Thus we encourage the Committee to consider fully the implications of H.R. 1797 to wildlife conservation, agriculture and human health. After doing so, we believe the bill will be rejected. notes

Mr. **Waxman**. Thank you very much, Mr. Williamson.

Let me ask you this: How do you respond to the recommendations of the National Academy of Sciences that trapping be abandoned as a means of controlling diseases such as rabies?

Mr. **Williamson**. I think what the committee should do is take a look at what those recommendations actually are. All you heard is parts of it. The National Academy of Sciences report, recommends, "persistent trapping or poisoning campaigns as a means of controlling rabies should be abolished."

The key word there is persistent. That NAS report had evaluated several State-funded trapping programs, the most recent of which was conducted some 20 years ago. That report gave no consideration to the role of commercial trapping or specific trapping to control diseases.

However, the preamble to the section on the control of rabies, the National Academy of Sciences report states:

> The control of rabies in wildlife species is much more difficult. Its sole aim is to prevent the spread of rabies to domestic animals, and thereby lessen the chance of human exposure. To achieve this, the only technique currently available is the selective reduction of the population of the species involved.

The best way to reduce the population, as has been said by all the people with knowledge in trapping, is with leghold traps.

Mr. **Waxman**. So, the National Academy of Sciences didn't mean what it said——

Mr. **Williamson**. I don't know but the National Academy of Sciences said more than has been reported formerly here today.

Mr. **Waxman**. Do you want to comment on that?

Mr. **Dozhier**. I would like to comment, Mr. Chairman, having been involved in actually funding programs in Arkansas, where there was an episode of rabid skunks. My recommendations to the State health department at that time are basically the same as the NAS.

Once you have an outbreak of rabies, it is too costly, too ineffective to control that by trapping, poisoning, or any other methods.

That is not the time to control it, the time to control is continuing reducing the population. I might add that we are creating habitat for these species, a case in point is the young child killed by the coyote in your own State 2 years ago, where we moved into the rural areas, where you are exposed to a few things you don't understand, and that is why we have rabid skunks biting people when they step out the backdoor today.

The time to control the epidemic is not after it occurred, and certainly not trapping, because our funding and our work on that has proven that it is totally ineffective at that point. It is too late.

Mr. **Waxman**. Let me thank the members of this panel for your testimony. We appreciate your being with us, and we will be pleased to share your testimony in the record with our colleagues.

Mr. **Waxman**. Our last witness is Henry Foner, chairman, Congress for Wildlife Conservation and Legislation, American Fur Industry; and he is accompanied by Jerome Wanger, president of the American Fur Industry; Joseph Poser, president, American Fur Merchants Association; William Madigan, vice president, Hudson's Bay Co.; and Fred Schwartz, Mademoiselle Furs.

STATEMENT OF HENRY FONER, CHAIRMAN, COMMITTEE FOR WILDLIFE CONSERVATION AND LEGISLATION, AMERICAN FUR INDUSTRY, ACCOMPANIED BY JOSEPH POSER, PRESIDENT, AMERICAN FUR MERCHANTS ASSOCIATION AND INTERNATIONAL FUR TRADE FEDERATION

Mr. FONER. As you can see, all the people you listed are not present.

Mr. WAXMAN. You are their spokesman, I understand?

Mr. FONER. I am, yes.

Mr. WAXMAN. We will be pleased to hear from you.

Mr. FONER. I am Henry Foner, and I am chairman of the Committee for Wildlife Conservation and Legislation of the American Fur Industry and president of Local No. 1 FLM United Food & Commercial Workers International Union, AFL-CIO.

Appearing with me as a representative of our international union, which is the largest in the AFL-CIO, is its international vice president and director of Government affairs, Arnold Mayer, and I might add that since 1977, it has been the official policy of the AFL-CIO itself to oppose any efforts legislatively or otherwise——

Mr. WAXMAN. Can you turn on the——

Mr. FONER. I might add also that since 1977, it has been the official policy of the AFL-CIO itself to oppose any efforts legislatively or otherwise to outlaw trapping or the use of the leghold trap.

I would like to say, also, that accompanying me is Mr. Joseph Poser, president of the American Fur Merchants Association, and also of the International Fur Trade Federation. He will be able to cast some light on this question of international implications of the banning of the leghold trap.

Like others from the fur industry who have testified here, I, too, was present at the hearings held before a similar congressional subcommittee that was considering similar legislation in November 1975.

At that time, I urged the members of the committee to realize that it was not really trapping that the proponents of this legislation were against. What they were and are really after is the dismantling of the fur industry, and the recycling of its workers, as if that were possible.

If you wanted any further proof of that, sir, I want to congratulate you on your tenacity in pursuing the questions with Mr. Regenstein, but I think you got the point after a while that what they were after was not banning of the leghold trap, but any consumptive use of wildlife whatsoever.

The events since 1975 have more than justified those words of caution. The so-called friends of animals, when pressed, and you pressed, make no bones about the fact that they are opposed to any consumptive use of wildlife no matter what means are used to take the animals.

Again, in the course of these hearings, you have heard expert after expert testify that there is now an alternative called the soft-padded trap or cushion trap which reduces by about 90 percent, according to the tests done, the damage done to the animals.

Yet, when this trap was presented at the New Jersey Legislature just a few months ago, the proponents of this legislation, as of that legislation couldn't be less interested.

They were not interested whatsoever in the fact that there was now an alternative that could seriously reduce the amount of damage and the amount of pain that is caused to the animals themselves.

It would be harmful enough if the only sufferers from misguided zeal were our industry and its workers. The fact is, however, that the real victim of this fanaticism are the wildlife species themselves.

I don't ask you to take our word for this. Listen to every one of those charged by our legislatures, including your own, with the task for managing and protecting wildlife populations, both fur bearing and others.

You will note that without exception, these wildlife managers and scientists are unanimous in their opinion, first, that the well-being of these animal populations requires that we humans exercise a responsible custodianship over them.

Second, that such custodianship demands that their populations be regulated so that they may be in harmony with the habitats that must sustain them.

Third, that trapping is an essential tool for such regulation and management. And finally, that the leghold trap is the only effective instrument available for the taking of large numbers of fur-bearing species.

Why are we so disturbed by the implications of this legislation? Because the fact is that the passage of this bill, would sound the death knell for our industry and for the jobs of its thousands of members.

About 50 percent of the fur garments produced by our industry are made from wild furs and most of these are taken by the most effective means of taking these fur bearers, the leghold trap.

If this bill were passed, which would not only ban the trap, but also the interstate commerce of all furs taken by trapping—I think you got some indication as to how difficult that would be to enforce—we are convinced it would not be long before our industry would become one more casualty in an economy that could ill afford such costly sacrifice.

This is no exaggeration. It is the considered judgment of every segment of the fur industry, labor as well as management. And that is why we urge you as earnestly as we can not to be swayed by the emotional tugging at your heartstrings by the antifur crusaders.

Affirming that one is opposed to cruelty is very much like coming out for motherhood and apple pie. It is only when the issue is examined in depth and with full regard for the facts that we realize that those who claim to be the friends of animals are really their worst enemies.

They are certainly no friends of those who toil for a living, investing their skill, craftsmanship, and energies on behalf of an industry that deserves far better from our Congress than such an ill-conceived piece of legislation as H.R. 1797.

I hope you will consign it to the legislative scrap heap where it belongs.

[Testimony resumes on p. 667.]

[The statements of the American Fur Industry follow:]

Statement of Henry Foner
Before the Subcommittee on Health and the Environment
House Committee on Energy and Commerce
August 3, 1984

My name is Henry Foner. I am Chairman of the Committee for Wildlife Conservation and Legislation of the American Fur Industry and also President of Local 1-FLM of the United Food & Commercial Workers International Union, AFL-CIO. Appearing with me as a representative of our international union -- the largest in the AFL-CIO -- is its Vice-President and Director of Governmental Affairs, Arnold Mayer. I might add, also, that since 1977, it has been the official policy of the AFL-CIO to oppose any efforts, legislatively or otherwise, to outlaw trapping or the use of the leghold trap.

Like others from the fur industry who are testifying here today, I, too, was present to testify at the hearings held before a similar Congressional subcommittee that was considering similar legislation in November, 1975. At that time, I urged the members of the committee to realize that it was not really trapping that the proponents of this legislation were against -- what they were and are really after is the dismantling of our industry and the recycling of its workers, as if that were possible.

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The events since 1975 have more than justified those words of caution. The so-called "friends of animals," when pressed, make no bones about the fact that they are opposed to any consumptive use of wildlife, no matter what means are used to take the animals. It would be harmful enough if the only sufferers from such misguided zeal were our industry and its employees. The fact is, however, that the real victims of this fanaticism are the wildlife species themselves. I do not ask you to take our word for this. Listen, if you will, to those who have been charged by our legislatures with the task of managing and protecting wildlife populations, both fur-bearing and others. You will note that, without exception, these wildlife managers and scientist are unanimous in their opinion, first, that the wellbeing of these animal populations requires that we humans exercise a responsible custodianship over them; secondly, that such custodianship demands that their populations be regulated so that they may be in harmony with the habitats that must sustain them; thirdly, that trapping is an essential tool for such regulation and management, and finally, that the leghold trap is the only effective instrument available for the taking of large numbers of furbearing species.

These experts are all agreed on another important point, and that is that the fur industry, by providing an economic incentive for the harvesting of furbearer populations, plays a constructive role in the entire wildlife management effort. It is no accident that at a time when the fashion dictates of the industry decreed that long-haired furs were in short demand -- that this was precisely when the red fox population in New York State became so high that the very health of the species itself was in jeopardy, and that the State Department of Environmental Conservation had to pay trappers to go in and harvest the population in order to protect it from famine and disease. Nor is it coincidental that ever since long-haired furs have been back in consumer favor, the health of the red fox population in New York State is better than ever, and there is no difficulty in securing the managed harvesting that is so essential to maintain that healthy state.

That is why we feel not only that our industry plays an important economic role in the life of our nation, but that it is an instrument for good, and not evil, in the overall structure of responsible wildlife management.

And that is why we urge you as earnestly as we can not to be swayed by the emotional tugging at your heartstrings by the anti-fur crusaders. Affirming that one is opposed to cruelty is very much like coming out for motherhood and apple pie.

It is only when the issue is examined in depth and with full regard for the facts that we realize that those who claim to be the friends of animals are really their worst enemies. They are certainly no friends of those who toil for a living, investing their skill, craftsmanship and energies on behalf of an industry that deserves far better from our Congress than such an ill-conceived piece of legislation as H. R. 1797. I hope that you will consign it to the legislative scrap-heap where it belongs.

Statement of Joseph E. Poser
Before the Subcommittee on Health and the Environment
House Committee on Energy and Commerce
August 3, 1984

I am Joseph E. Poser, President of the American Fur Merchants' Association, and I am here on their behalf and my own to oppose the passage of H.R. 1797 prohibiting the use of the leghold trap, and of furs harvested as the result of such use. Our opposition to its passage is based on the undisputed necessity of trapping for the welfare of our businesses and on the recognition by all responsible wildlife managers that the leghold trap is the only viable instrument for the taking of many American fur-bearers.

Much of the industry's case with respect to trapping was presented at the last hearing held in Congress on such a measure in 1975. At that time I, along with my colleagues in the American fur industry and also along with wildlife conservation experts, testified before a similar sub-committee on the critical importance of leghold trapping for the maintenance and growth of our industry. Much of our testimony concerning these issues is still pertinent today -- yet much has changed since 1975 -- and changed for the better. By and large, our industry has enjoyed a gratifying state of economic health during this past decade. As a result, our export sales have continued to increase, and new marketing opportunities in the United States have provided job security for many Americans throughout the

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country. These changes have been largely dependent on the availability of trapped furs. All of these positive indicators would -- without a doubt -- be reversed and quickly result in "out of work" and "out of business" status for thousands of Americans if H.R. 1797 were approved.

In examining the changes since 1975, one of the most important has been the continued search for a more humane leghold trap. Even though the standard trap used in 1975 was found satisfactory by experts in the field, product development in wildlife trapping has been a priority of fur trading nations around the world. As president of the International Fur Trade Federation, I can testify that each fur trading nation has contributed through the IFTF large sums of money over a period of many years for th development of more humane leghold traps which are practical, reasonable in cost, and maintain the same effectiveness. Next winter, there are 12 to 15 new designs being field tested. Woodstream Corporation has already made a significant breakthrough with its new padded trap. This should indicate to all of you that we recognize the importance of conducting our business, and more specifically trapping, in a well-planned honest and humane manner as our fellow Americans expect of us.

On an economic basis, the past nine years have shown an increase in the export of wild furs, from $125 million in 1975 to about $300 million in 1983. Throughout the years the export of furs

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has consistently increased, thus contributing to a positive balance of trade -- something which very few industries have been able to do in recent years when our country has been relatively strong. Passage of H.R. 1797 would contribute to the substantial reduction of our export business and increase economic hardship.

The American fur industry has a long history in the development of our country and has over the years been instrumental in preserving the integrity of its business. I speak from years of experience, knowledge and concern. I therefore ask that you vote against passage of H.R. 1797 because the use of the leghold trap is essential to the continued welfare of the fur industry and its workers, and is also necessary for proper wildlife management.

# # #

Statement of Jerome Wagner

Before the Subcommittee on Health and the Environment
House Committee on Energy and Commerce
August 3, 1984

Mr. Chairman and Committee Members:

My name is Jerome Wagner, and I am president of the American Fur Industry, Inc., an organization that represents all phases of an industry that can trace its history to the earliest days of this country. I am also a member of the Board of Directors of the Associated Fur Manufacturers, which represents most of the fur garment manufacturers in this country.

I am here today to vigorously oppose the passage of H.R. 1797. In doing so, I speak not only for my colleagues of the American Fur Industry, but also for myself, as president of Morris Wagner and Sons, International, a company that manufactures fur garments. We may not be quite as old as the American fur trade itself, but I am the third generation to be involved in my family's business, which was founded in New York in 1921, over six decades ago.

My company, which has nearly three dozen people on its payroll, is typical of the fur industry, which is made up mainly of small, family-oriented businesses. Altogether there are some 4,500 people directly involved in the manufacturing of fur garments in the New York area alone. And that does not count as many as 3,000 more who play supporting roles in the industry:

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fur dressers, dyers, suppliers of lining materials and of such notions as buttons and thread. Even the technicians who service our machinery and the designers who style our fur fashions are dependent on this industry for their livelihood.

The threat of a ban on trapping threatens to ban all these people from their ability to earn a living. In all, that adds up to some 250,000 gainfully employed, tax-paying Americans who could be thrown out of work by the legislation you are considering here today.

Counted among those 250,000 people, of course, are the fur farmers, collectors, brokers, dealers, dressers, dyers and retailers. The people who set the entire process in motion - the trappers themselves - number an additional 500,000 at least. Here are some facts that should help your deliberations:

- At least 90 percent of all the wild furs used throughout the world are caught in the leghold trap and other traps affected by this bill.
- Some 40 to 50 percent of all the fur garments manufactured in the United States are made of wild furs.
- We sell an estimated $300 million-worth of furs abroad, which helps balance our world trade picture.

Before you vote to throttle this industry by banning the leghold trap -- before you sacrifice people in the name of sparing animals -- I would like you to consider two other points:

First, the animal protectionists would have you believe that

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the fur industry is totally self-serving, bent on exploiting animal life even to the point of endangering certain species. Let me assure you that we are keenly aware that such disregard could put us all out of business faster than any ban on leghold trapping.

Secondly, real furs are a renewable resource. The trapping, manufacturing and retailing of genuine fur garments do not involve processes that pollute the environment, or expend vital, non-renewable resources. The people who would have us wear fake furs of man-made fibers should be well aware of the toll that the manufacture of those garments takes on our environment.

Thank you.

# # #

Statement of William Madigan

Before the Subcommittee on Health and the Environment
House Committee on Energy and Commerce
August 3, 1984

Mr. Chairman and members of the Committee:

I am William Madigan, representing the Hudson's Bay Company, the largest North American fur auction house engaged in the sale of both ranch-raised and wild furs.

When the Hudson's Bay Co. was founded in 1670 -- we are, incidentally, the oldest company in the Western Hemisphere -- we were engaged in the trapping of all furs. In those days, we were particularly interested in beaver, which was sent back to Europe for the manufacture of gentlemen's beaver hats, then very much in vogue.

From the beginning, our business has been instrumental in preserving America's resources. Throughout the centuries, the Hudson's Bay Company has continued to transact business in this manner, providing continued employment for many people. Today our gross sales are approximately $100 million with export sales representing 50% to 60% of that amount - and in these days when a favorable balance of trade is of such crucial concern to Americans - this is clearly a plus to the general economic picture. This growth has been good for us, our workers, and for American trade and industry.

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I have given you this background information because it is the basis of our opposition to H.R. 1797. Hudson's Bay Company and the entire American fur industry are dependent on both ranch-raised and wild furs for maintaining profitable businesses. Neither category of fur is sufficient without the other for a successful business. Passage of H.R. 1797 would effectively eliminate our wild fur sales, and force us out of business. There are some who may believe that since H.R. 1797 aims at trapped furs, those produced by ranching would be spared. We have no such illusion. We are familiar with the agenda of the anti-fur forces in this country. We know only too well that once they have eliminated the trapping of furs, they will be equally determined to eliminate its ranching, as well. They are opposed to any consumptive use of our renewable wildlife resources. If they have their way, they will cause the loss of jobs for thousands of Americans, which is something we cannot afford in our country if we are to continue to enjoy an economic recovery.

Quite simply, passage of H.R. 1797 prohibiting the usage of leghold trapping would write the final chapter in the long and distinguished history of the Hudson's Bay Company.

# # #

Statement of Fred Schwartz

Before the Subcommittee on Health and the Environment
House Committee on Energy and Commerce

August 3, 1984

Mr. Chairman and members of the Committee:
I'm Fred Schwartz of Mademoiselle Furs, New York, retailers of fur fashions. I believe that I might add, without immodesty, that my face is already familiar to millions of consumers who know me better as "Fred the Furrier" through my rather extensive advertising campaign in print and the broadcast media.

I mention this primarily because it's indicative of some dramatic new forces at work in the fur fashions industry.

Not long ago, I might have been stretching a bit to even talk of fashion in relation to furs. Old and time-honored as it is, the fur business never really had a fashion image, at least not until the past decade or so.

A major factor in its growth to today's vital, billion-dollar industry is what we're here to talk about today: wild furs.

Until fairly recently, this industry was built almost exclusively on one kind of skin: mink. We raised it on ranches and we made it into rather conservative garments that were worn by a narrow segment of the population. When this was a one-fur industry, retail sales amounted to only $249 million. Workers in the

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industry could expect a highly seasonal level of employment at best, rather than the steady, year-round work that is now the rule, rather than the exception.

Three things have turned the fur industry of the '80s into a vital, fashion-oriented business, one that now sees annual retail sales of some $1 billion, 247 million. They are:

- The designers who are creating fashion excitement, largely in long-haired wild furs;
- The American consumer, who is younger, much less conservative, and much more determined to get value for dollars spent;
- The right to obtain wild furs in the most effective manner possible, which is using the leghold trap.

The natural warmth and beauty of fur is being enjoyed today by many more people who would have found the cost prohibitive not many years ago. This includes young people, the same young people who have demonstrated so vocally and effectively their concern for the environment and for maintaining an ecological balance among animal populations.

The expanding retail fur picture is a result, therefore, not only of the consumers' response to the beauty and practicality of furs, but also to the fur industry's well-documented position as protector of such resources -- not the destructive agent others would have you believe.

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Passage of H.R. 1797, banning the leghold trap, would be as destructive to our industry in the short run as the experts say it will be for the animals themselves in the not-too-distant future.

There are more than 8,000 retail fur departments in large stores across the United States. In addition, there are some 2,500 independent fur shops owned and operated by individual businessmen and women in cities and small towns everywhere.

Without the wild furs provided by the leghold trap, this vital, healthy retail business will virtually disappear from the local scene -- and with it, the jobs it provides on the local levels and the revenues it returns to city, state and Federal governments.

Thank you.

# # #

Mr. **Waxman**. I thank you very much. As I understand it, we have your prepared statement from Mr. Poser and the other witnesses. We will have an oral statement.

Mr. **Foner**. Can you hear something from Mr. Poser since he came to Washington?

Mr. **Waxman**. Well, it is now 20 after 1 at a hearing we started earlier. When we organized this panel, it was determined that we would be hearing from the witnesses for 5 minutes. We agreed to take many witnesses on both sides.

If you want to make a short statement, but I know you have a written statement. That will be in the record. If you would like to make a brief comment or two, fine. I don't want to turn you away without the opportunity to say anything, but as you know, it was our understanding that it was worked out in advance that you would be accompanying Mr. Foner, who would testify and you would be available for questions.

Mr. **Poser**. I understand that my testimony will be included in the record. I would like to make one comment, particularly regarding the repeated references to the supposed 59 countries which do not permit the use of the leghold trap. This has been pictured by some witnesses here and by Mr. Scheuer of the subcommittee as a contest in morals.

This is really far from the truth. The important countries to us. the important countries in the trade, in the use of wild animals are some of the highly industrialized, heavily populated Western European countries.

These countries have been heavily populated for centuries and the result has been that they are without wildlife management since their wildlife has been reduced to virtually nothing. It is very easy to take this moral stand if you have no need of the tool.

We in this country, one of the three biggest producers of furbearing animals as you have already heard, do require it and I think that this continual reference to the 59 countries is inappropriate and irrelevant.

Thank you.

Mr. **Waxman**. What about Sweden?

Mr. **Poser**. Sweden is a relatively small producer of wildlife.

Foxes are their only commercially viable wild fur resource.

Mr. **Waxman**. And they don't use steel jaw traps, but other traps and they seem to be still in the business of furs from what animals they do have.

Mr. **Poser**. Yes, but we have a very large variety of species, many of which are not easily trapped with these snares that have been demonstrated here today.

Mr. **Foner**. I don't want to add anything.

Mr. **Waxman**. I thought you were looking to add something to it.

Thank you very much for your testimony. We appreciate your being here. That concludes the hearing for today. Therefore, we stand adjourned.

[Whereupon, at 1:23 p.m., the hearing was recessed.]

[The following statements, letters, and mailgram were submitted for the record:]

STATEMENT OF CONGRESSMAN BRUCE A. MORRISON IN SUPPORT OF H.R. 1797, A BILL TO OUTLAW STEEL JAW LEGHOLD TRAPS. PREPARED FOR A HEARING, AUGUST 3, 1984, OF THE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT, CHAIRED BY THE HONORABLE HENRY A. WAXMAN.

Mr. Chairman, thank you for fitting a hearing on this important bill into an already overcrowded committee schedule. Those of us who have been pressing for such a hearing commend you for helping us to end the use of steel jaw leghold traps.

Dr. George Whitney, a highly respected veterinarian from Orange, Connecticut, in my Congressional District, has made me and thousands of other people aware of this problem. Dr. Whitney's tireless and effective opposition to these traps has persuaded me that Congress should act immediately to outlaw their use.

The main argument against the use of steel jaw leghold traps--an argument which overrides others--is that animals caught in these traps are tortured. I know that witnesses at this hearing will have fully explained what these devices do to the animals caught in them. Dr. Whitney's testimony here today establishes irrefutably that this treatment of animals satisfies the definition of torture.

A nation of caring and sensitive people, as our nation surely is, will not sanction the routine torture of sensient beings. When other forms of animal abuse have been brought into public view, the American people have responded with outrage. Because of our strong moral sensibilities, few practices as grotesque as the use of steel jaw leghold traps remain common in the United States. We must put an end to these traps now.

Some argue that steel jaw leghold traps are a necessary evil. Some people suggest, for example, that these traps are essential to controlling rabies, among the most dreaded diseases. I would like to comment in detail on this claim since this discussion brings out important, general information about trapping.

A moment of reflection shows that rabid animals are the least likely to be snared in traps. Like humans, animals suffering from rabies are extremely sick. They are lethargic, spending much of their time out of the way in holes or in trees. Healthy, active animals are the ones smashed between the steel jaws.

Where rabies is epidemic, often half of the wild animals have been exposed to the disease, and they become immune to it. It is very likely, therefore, that the randomly trapped animal is not, and never will be, rabid. In such areas, up to 20% of the slow moving, bewildered animals struck by cars are found to be rabid, making this an inadvertent but much more effective method of rabies control than steel jaw leghold traps.

Again, some people argue that sheer concentration of animals in an area promotes the spread of rabies. Obviously, population size is reduced by trapping.

Concentration of wild animals, clearly, is not necessary to rabies. Washington D.C. is in the midst of a rabies epidemic--175 rabid animals were captured in 1982--and there are few wild animals here. Many sites with large animal populations have no rabies, so concentration is not sufficient to create a rabies problem either. Wide use of steel jaw leghold traps may make us feel as if we are protecting ourselves from rabies, and other diseases borne by animals, but that is a false security.

Even if there are compelling reasons to trap, there is still no defense for using the extremely cruel steel jaw leghold trap. Canadian officials have currently identified sixteen effective alternative devices, and more than 4,000 patents have been applied for in the U.S. and Canada for other types of traps. But since steel jaw leghold traps are familiar to trappers and readily available, nothing can ensure that trappers will switch to alternative methods except a law banning steel jaw leghold traps. We need such a law.

There are of course other reasons to do away with these traps. Anything which moves can get mangled in steel jaw leghold traps, including children playing in the woods and beloved pets. We should keep the possibility of such tragedies in mind.

But among the most compelling reasons to outlaw steel jaw leghold traps is that wherever, whenever, they are used, the animals caught in them are tortured. This practice is one we cannot abide.

State law is inadequate to address this problem. It has been illegal in Connecticut for many years to set steel jaw leghold traps on land--they can only be placed underwater or in burrows. Even with these restrictions in place, though, the traps are found on land throughout the state. A national solution, like H.R. 1797, is required.

We are all indebted to Dr. George Whitney for his longstanding commitment to this cause, and for his work to end the routine, unnecessary torture of animals in steel jaw leghold traps.

I urge the Health and Environment Subcommitte to follow Dr. Whitney's lead immediately and vote unanimously to report H.R. 1797.

Thank you, Chairman Waxman, for permitting my remarks to be included in the permanent record of this hearing.

Statement of Ann Squire, Ph.D.
Director of Research and Education; Scientific Advisor
The American Society for the Prevention of Cruelty to Animals

Submitted to:

Subcomittee on Health and the Environment
United States House of Representatives

June, 1984

The American Society for the Prevention of Cruelty to Animals has carefully reviewed the arguments on both sides of the trapping issue. In this statement, I would like to present some of these arguments, and to show that the harm done by the steel jaw leghold trap far outweighs its purported benefits.

The most common reasons why people trap animals are:

1) for commercial gain--that is, to obtain pelts which can be sold to the fur industry, at a considerable profit to the trapper;
2) to control "wildlife overpopulation";
3) to eradicate nuisance animals.

Persons in the first category are likely to be professional trappers, those in the second may be professional or non-professional, and those in the third category are usually non-professional.

The major benefit--to the trapper--of commercial trapping is that it is extremely lucrative. In 1979, a bobcat pelt could bring a trapper as much as $650. Pro-trapping groups argue that a ban on the steel jaw trap would deprive these individuals of a livelihood. But the percentage of the population that relies on trapping for a living is so small (about one-twentieth of 1% in New Jersey, for example), and the percentage of Americans who oppose the leghold trap is so large (almost 80%),[1] that allowing its use for the benefit of a few cannot be justified on either economic or humane grounds.

Another rationale for use of the leghold trap is that it helps to control "wildlife overpopulation." J. Hibbard Robertson, executive vice president of the Woodstream Corporation (a leading manufacturer of leghold traps) lists the following consequences of wildlife overpopulation:

1) the spread of disease and starvation among wildlife;
2) the destruction of the limited wildlife habitat that still exists in America;
3) the spread of disease to livestock and pets;
4) the spread of disease to man;
5) the destruction of man's food supplies, namely livestock, poultry and crops.[2]

Since three of Robertson's five concerns have to do with wildlife diseases and their potential transmission to humans and domestic animals, this issue deserves a closer look. Distemper, mange and (especially) rabies are the diseases which strike fear into the hearts of the public, but there is little evidence that scientists and wildlife refuge managers share their concern, as Scott's 1977 survey indicates.[3] The following letters are typical of those she received from scientists in response to the question "Do wildlife diseases present a significant public health problem?"

> "In my experience these diseases (rabies, leptospirosis, and distemper) have seldom developed into serious problems. When they have, natural mechanisms usually operate to bring the disease under control in the wild population more effectively than any 'control' problems of which I am aware."
> (Dr. Glen Sanderson, Head, Section of Wildlife Research, Illinois Natural History Survey, letter of July 8, 1976)

> "In my opinion, diseases in wildlife have not been as much of a public health problem as we are often led to believe. The media always jump with vigor on cases of disease transmission from wildlife to man because of the drama and novelty of it. The result is to blow the case up all out of proportion to its importance in the overall human disease problem."
> (Dr. Gene Trapp, Associate Professor of Biology, California State University, Sacramento, letter of August 18, 1976)

Moreover, there is little evidence that trapping is an effective means of controlling wildlife diseases. Because diseased animals move around less, they are less likely to be caught in traps than healthy animals. Thus trapping may actually increase the incidence of disease in a population by culling out the healthy individuals.

A look at the species trapped puts the lie to trappers' claims that their aim is to control disease. The species which are intensively trapped, such as bobcats and foxes, are not those which contribute markedly to the disease problem. The fur-bearer most closely associated with outbreaks of rabies is the skunk, but since demand for skunk pelts by the fur industry is small, there is little deliberate trapping of skunks.

A third reason for trapping is to control nuisance animals, such as the raccoon that invades the back yard. The people who engage in this kind of trapping are usually not professional trappers, and have probably not been trained in the use of the leghold trap. In the hands of a novice, the leghold trap is especially dangerous. Inexperienced trappers may select the wrong size trap for the animal they desire to catch, set the trap improperly, or set it where pets and children can stumble onto it.

If the supposed benefits of the leghold trap are dubious, its disadvantages are clearcut. Any animal caught in a leghold trap suffers horribly. Injuries are caused by:

1) the initial impact of the steel jaws on the limb;
2) the delayed effects of pressure of the jaws on the limb;
3) the animal's struggle to free itself.

The initial impact of the steel jaws causes a crush injury to the skin, soft tissues, and bone. The smaller the leg in relation to the trap and the force of the spring mechanism, the more serious the injury. As the jaws continue to press on the limb, they cut off the blood supply to the portion of the leg below the trap. In general, permanent damage begins in about four hours. If the trap has cut off the main blood supply to the paw, permanent devitalization of the paw occurs in about 24 hours, with subsequent gangrene and loss of the paw over a 5-10 day period. As the animal attempts to free itself, further damage, such as broken bones and dislocated toes, may occur. Some trapped animals manage to escape by gnawing or twisting off the paw. Their survival rate is low because of infection, loss of blood, or gangrene. Those that do not escape may starve or freeze to death over a period of days if the trapper neglects to visit his trap.[4]

Trappers contend that the kinds of injuries described above occur only when inexperienced trappers do not properly set and maintain their traps. There is no evidence for this. Indeed, a 1956 study by Atkinson[5] found a crippling rate of approximately 25% for foxes, raccoons, and minks, even when the traps were set and tended by professional trappers. (Crippling was defined as pullingout of or escaping with the trap, gnawing off the foot, or wringing off the foot.) The crippling rate can only increase when untrained trappers are involved. And the fact is that most trappers are untrained. A number of states allow juveniles under a certain age (usually 14-16 years old) to trap without a license. Some states offer trapper training courses, but they are generally not required. Even where licensing and other trapping regulations do exist, enforcement is limited. Leghold traps are frequently set out of season, are not checked as often as required by law, and are set on private land frequented by unwitting people and pets. Even when trappers are cited for violations, the fines are small in comparison to the price the pelt brings in the fur market.

Another serious drawback to the leghold trap is its non-selectivity. Up to 70%[6] of the animals caught in leghold traps are typically referred to by trappers as "trash"--that is, species other than those desired by the trapper. This so-called "trash" includes household pets and endangered species. The impact on wildlife is especially devastating for those species, such as the American Bald Eagle, that are slow to rebuild their populations. In these cases, trapping can contribute significantly to species endangerment.

In view of the foregoing, The American Society for the Prevention of Cruelty to Animals strongly urges the Subcommittee to recommend passage of H.R. 1797. If it is necessary to "manage" wildlife populations or to trap animals for fashion whims (which we would dispute), then the very least that can be done is to ban the barbaric leghold trap in favor of a more humane alternative.

NOTES

1. Eisnitz, Gail Ann, "Leg-Hold Traps Should Be Banned", *The New York Times*, December 11, 1983.

2. King, Kathleen, and Marshal, Julia, "Woodstream Panel Defends Trapping Issue", *The Lititz Record Express*, October 13, 1983.

3. Scott, Martha, *A Contemporary Analysis of Animal Traps and Trapping*, The Institute for the Study of Animal Problems, Humane Society of the United States, 1977.

4. Robinson, Gordon W., VMD, Director, The Henry Bergh Memorial Hospital of the ASPCA (personal communication)

5. Atkinson, T. Z., "Incidence of Crippling Loss in Steel Trapping", *Journal of Wildlife Management*, *20*, 1956.

6. Eisnitz, Gail Ann, "Leg-Hold Traps Should Be Banned", *The New York Times*, December 11, 1983.

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STATEMENT IN SUPPORT OF H.R. 1797
TO END THE USE OF THE STEELJAW LEGHOLD TRAP

To the Subcommittee on Health and the Environment

By Doris Primack, coordinator, ANIMALS IN POLITICS

An important step in any controversy is the establishment of credibility of the parties involved. Unlike the opponents of H.R. 1797, proponents of this measure gain no personal advantage by its passage. Our objectives are free from self-interest and our testimony is therefore free from bias. We are motivated solely by the desire to alleviate the massive suffering inflicted annually on our wildlife and to rid this country of a barbaric device and a practice which is incompatible with our status as a civilized nation.

Historically, changes of a humanitarian nature have always met with the vehement opposition of those with vested interests in the status quo. For instance, the 19th century industrial revolution was accompanied by intolerable abuse of workers, adults and children alike. Corrective legislation was fought by manufacturers with claims of dire consequences for industry and society as a whole. Yet after public pressure abolished inhumane labor practices, industry adjusted and continued to flourish more than ever.

We are now witnessing a similar scenario with regard to the use of the steeljaw leghold trap. The Congress and the public are being subjected to a propaganda campaign, predicting uncontrollable overpopulation of wildlife, disease, widespread predator damage and loss of vital income to low-income families. In 1984, representatives of wildlife management agencies make the astounding assertion that they are unable to perform their duties without the use of a primitive torture instrument which was invented in 1823! One must conclude that they have been at a moral and technological standstill for over one and a half centuries. Since such agencies are completely controlled by a minority of so-called consumptive users of the outdoors, their testimony cannot be unbiased.

This statement will not repeat the details and statistics covered extensively in other parts of these hearings. In truth, all arguments in favor of the steeljaw leghold trap miss the point and are irrelevant to the central issue: Its well-documented cruelty. We submit that in an enlightened, progressive society, any conflict arising between human and wildlife interests can and must be resolved in a humane manner; and we deny that the desire for additional income justifies the torture of sentient beings.

Wildlife is not the property of special interest groups. It is a precious heritage for all of us, whether we live in large cities or rural communities. We do not need "experts" to advise on its treatment, because we are all experts on the crux of this controversy, which is pain. That, and only that, is the central issue of these hearings.

In the name of our members, and in the name of all decent Americans, I urge this Subcommittee to vote favorably on H.R. 1797.

Defenders
OF WILDLIFE

TESTIMONY OF DEFENDERS OF WILDLIFE ON H. R. 1797

Defenders of Wildlife appreciates the opportunity to comment in support of H.R. 1797, Mr. Long's bill to restrict the use of the leghold trap in the United States. In a 1978 survey (Kellert 1980), it was determined that 78 percent of the American people support a ban on this trap. In view of this, the subcommittee's consideration of this bill is both timely and of great interest to a large number of Americans.

This testimony highlights portions of a handbook recently published by Defenders of Wildlife. This publication, "Changing Trapping Policy in the U. S. -- A Handbook for Activitists," thoroughly discusses the role of trapping in wildlife management, disease control, predator control, and the capacity of the leghold trap to cause injury to wildlife for which it was not intended. Members of this subcommittee have been provided with a copy of this publication. For purposes of brevity, portions of this document will be extracted for these comments.

Defenders of Wildlife is concerned about the steel leghold trap for the reason that it is so popular with the trapping industry; it is extremely efficient in catching and holding animals which activate the trigger. In order to be this effective, the leghold must hold an animal with extreme force. No wild animal, when suddenly and forcefully denied its freedom, will passively submit to the pain and confinement of the trap. The animal's undeniable struggle leads to injury of at least the trapped limb, if not its teeth and jaws. If the animal is of no value to the trapper, and is released, the injury it sustains may reduce its chances of survival. It is the nonselectivity of the leghold trap, combined with the capacity of this device to seriously injure a trapped animal and thus reduce its chances of survival if released, that most concerns Defenders. The following text concentrates primarily, therefore, on these aspects of the leghold trap.

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Selectivity of the Leghold Trap

Robinson (1961) maintained trapping records during predator control operations in New Mexico, Colorado and Wyoming. Records were kept for the 1940-41, 1951 and 1960 control periods to determine carnivore population trends. Coyotes and bobcats were targeted. Traps were set by selected Fish and Wildlife Service trappers. The total capture during the three control periods was 1,199 of which only 259 (22 percent) were coyotes and bobcats. Seventy-eight percent were non-target animals, including skunks, badgers, raccoons, weasels, foxes, rabbits, porcupines, prairie dogs, ground squirrels, wood and kangaroo rats, pronghorn, deer, pheasant, raptors and domestic sheep, dogs and cats.

In 1971, the Department of the Interior and the Council on Environmental Quality jointly sponsored a study of U.S. predator control. A committee, chaired by Stanley A. Cain, and known as the Advisory Committee on Predator Control, evaluated all forms of predator control used in this country and concluded about leghold traps that steel traps are unselective predator control tools because too many non-target animals are killed or injured.

Beasom (1974) studied the selectivity of predator control techniques in south Texas and noted that "more individuals and species of animals were caught with steel traps in this study than with any of the other control methods used."

Dick Randall, a former professional Fish and Wildlife Service trapper and now Defenders' North Central Field Representative, stated during Congressional hearings in 1975 that:

> The leghold trap is inherently non-selective. It is probably the most cruel device ever invented by man and is a direct cause of inexcusable destruction and waste of our wildlife. My trapping records show that for each target animal I trapped, about two unwanted individuals were caught. Because of trap injuries, these non-target species usually had to be destroyed (Randall 1975).

Most trapping in the United States occurs in or near water, where muskrat and nutria are valued furbearers. These areas also provide vital habitat for waterfowl populations. Some researchers have examined the effects of trapping, particularly spring muskrat harvest, on waterfowl survival and production. For instance, Wright (1954) suggested that muskrat trapping is a major mortality factor for black ducks on their breeding grounds. Gashwiler (1949) found a total kill of approximately 1,945 ducks during the 1946 trapping season. An additional 2,220 ducks actively involved in breeding activities were injured in the traps. Stout (1967) analyzed continental band recoveries from waterfowl caught by devices other than banding traps and attributed 69 percent of spring recoveries to muskrat trapping. Finally, Bailey and Jones (1976) concluded in a study conducted in Manitoba that:

> Hens killed or crippled by muskrat trapping lower the production potential of a breeding population. We could not determine the number of hens released unharmed since internal injuries and other effects of a trapping experience were unknown. Increased duck production on remaining habitat in this region will be necessary to maintain mallard populations in the future, and avoidable losses of breeding stock would seem unacceptable to waterfowl management.

Injuries Associated with Leghold Trap Use

Trappers claim that captured animals rarely are injured and that critics of the leghold trap greatly exaggerate the extent of damage to the legs of trapped animals. To prove this point, trappers release traps on their hands with no apparent discomfort. This display, while dramatically effective, does not parallel the experience of trapped animals for the following reasons:

1. The trap being demonstrated is probably not appropriately selected for the size and strength of the human hand. A large man would require an appropriately-sized trap.

2. The springs of the trap may have been modified to reduce the impact.
3. The human demonstrator is neither struggling to escape nor "trapped" for long periods. The trap's unrelenting pressure and the animal's struggle often exacerbate the injury.
4. A human volunteer is not stressed as a trapped animal would be.
5. A volunteer does not experience the hardships endured by trapped animals, including predation, dehydration and starvation.

There have been many studies conducted using the leghold trap in which records were kept of the number of non-target animals captured. For example, in a 10-month study of predator control techniques in Texas, Beasom (1974) reported the following injuries and deaths of animals caught in leghold traps:

> Of 5 white-tailed deer that were caught, 4 were released with no apparent injury and 1 with a broken leg. Five out of 83 trapped peccaries were dead when found while the others were released with varying degrees of leg damage. Many of the 89 trapped cottontails were dead when found, and most the rest (sic) were killed because leg damage was usually severe. All 12 jackrabbits were released with a broken foot or leg. Small birds like bobwhite quails (sic), cardinals, and brown thrashers, and rats like cotton rats and roof rats were all found dead. Live raptors were released if they sustained only one broken leg or foot, but killed when both were injured. All 3 caracaras and all but 1 vulture were released, while the 3 owls were dead when found. Eight of the Harris' hawks were killed and 12 released. The 2 domestic calves caught were released unhurt, and the roadrunner was released with one broken leg. Of 27 wild turkeys caught, 17 were dead when found, 5 were released with a broken foot or leg, and 5 with no apparent injuries.

Defenders
OF WILDLIFE

From 1974 to 1981, the Canadian Federal Provincial Committee for Humane Trapping conducted extensive tests of existing and potential commercial trap design. A discussion on injuries caused by the common leghold trap included the following:

> On external examination, trapped limbs often seem to sustain only minor injuries. Yet on further examination, X-ray for example, many of these apparently uninjured or minimally-injured limbs prove to have broken bones or badly torn muscles and tendons (Federal Provincial Committee for Humane Trapping 1981).

When birds are caught in leghold traps, severe injury virtually is assured and death frequently is inevitable. Anatomical differences result in a higher percentage of serious trap injuries to birds than to mammals. Birds have less soft tissue and muscle mass and more limited blood supply to their lower legs than do mammals. Because a "cushion" of soft tissue and muscle is not present to absorb some of the shock of trap closure and prolonged pressure, the legs of trapped birds are broken extremely easily.

Durham (1980) compiled statistics on the nature of injury to raptors admitted to the University of Minnesta Raptor Research and Rehabilitation Center. From 1972 to 1979, 20 percent of the bald eagles admitted were injured by traps, 27 percent of the great horned owls and 19 percent of the rough-legged hawks. According to Durham:

> This report reflects the experience of extended medical observations of trapped birds of prey, revealing a far greater rate of crippling and mortality than might be expected based on initial examination of the birds at time of capture. Despite the fairly innocuous appearance of most injuries during the first few days following capture, the portion of the limb below the site of the injury will usually die, requiring amputation of the limb if it has not already fallen off. This is the usual fate of a foot if the bird has been caught by its leg, regardless of the size of the bird relative to the trap, since a trapping injury manifested by only a minor cut is usually sufficient to destroy the circulation to the foot.

In summary, providing a license to trap with the leghold trap is essentially the same as allowing licensed hunters to shoot any wild animal they come upon, since the leghold trap will capture any animal which activates the spring mechanism. It is the undeniable nonselectivity of the leghold, combined with its capacity to injure the trapped animal to the point that, if released, its chances for success are limited, that constitute just reasons for a ban on this trap.

The Leghold Trap in Predator Control

Historically, the leghold trap has been the most common method used in predator control efforts. The primary target of these control efforts remains the coyote, which has been incessantly trapped, poisoned and shot in an effort to curb predation by this animal on domestic sheep. The leghold is unnecessary in predator control because lethal control in general is unnecessary, with the exception of selective removal of individuals known to be causing livestock losses.

In the name of predator control, millions of coyotes have been killed, yet complaints of predation remain high. If lethal control is effective, predation rates should in theory decline since fewer coyotes remain to kill sheep. Claims of coyote predation have not declined, however. Connolly and Longhurst (1975) noted that detailed studies of the effects of coyote control on the population of this animal are limited in view of the magnitude of control efforts. These authors therefore developed a model to simulate coyote population dynamics and so provide insight into the effects of control efforts. Connolly and Longhurst concluded in part that "the primary effect of killing coyotes is to reduce the density of the population thereby stimulating density-dependent changes in birth and natural mortality rates." With large reductions in numbers, as occurs with predator control, a coyote population is capable of a fourfold increase, so "any effort, therefore, to suppress coyote numbers must be continued indefinitely and is doomed to ultimate failure" (Ryden 1981).

Leghold traps are therefore not necessary for predator control, since lethal control is largely ineffective. Improved husbandry methods, such as the removal of dead animals, and confinement of sheep during lambing, will greatly reduce predation levels. In addition, the use of non-lethal predator control techniques, such as guard dogs, taste aversion and electric fencing, will largely negate any need for lethal control, including the leghold trap.

The Leghold Trap As Rabies Control

Misinformation about the impact of trapping in controlling wildlife disease, particularly rabies, is rampant. Trappers argue that they control rabies and other diseases by reducing the incidence of contact between animals. According to the trapping community, trapping with the leghold is the only method currently available that controls rabies incidence. "Leghold traps are the only effective devices for taking such species as foxes and coyotes. These species must be trapped in order to keep their populations healthy. Diseases, such as mange, distemper and rabies can raise havoc with uncontrolled populations" (Failor 1979).

Current knowledge of wildlife disease is mainly limited to symptoms and the progress of the disease through its course. Relatively little is known about the environmental factors that cause or support disease outbreaks, the movement of a pathogen through a population, the susceptibility of various individuals (e.g. young animals or breeding females), the disease-caused alterations in the dynamics of a population and the mechanisms by which a disease remains in a population between outbreaks. Trapping random members of the affected population will not necessarily affect the course of the disease.

Trapping, however, is usually the first, and often the only, action taken when a disease outbreak occurs, but proof that trapping can reduce disease levels has not been produced. To the contrary, some evidence indicates that trapping may even worsen the problem.

Virginia reported one of the highest incidences of fox rabies in the U.S. from 1955 until the early 1960s (Macdonald 1980). In 1961, the state initiated a trapping campaign focused primarily on red and gray foxes. By the late 1960s no evidence showed that the trapping program had helped. It may even have increased rabies incidence (Macdonald 1980). Davis (1974) stated that trapping rarely decreased the incidence of rabies and did not even decrease the number of foxes. The current Virginia and District of Columbia outbreak of rabies in raccoons is being touted by trappers as proof of the need for population reduction. Such claims clearly are not supported by scientific evidence.

Winkler (1975) stated that in order to effectively control rabies, population suppression must be actively maintained over time and a population must be reduced below the level of the annual surplus. In addition, population suppression must be maintained over time. This directly conflicts with trapper's claims that they do no harm to a species because they remove only the annual surplus. Trapping cannot therefore control rabies.

The Leghold Trap As A Wildlife Management Tool

Trappers maintain that, by removing the annual surplus, they kill only the individuals that would perish during the critical period of the year. "They would only die anyway," is the trapper's own defense. If the stability and well-being of a natural population relied on numbers alone, this contention would have an element of truth. However, the long-term effects of annually removing millions of animals from a natural ecosystem (Favre and Olsen 1982) are unknown or poorly understood. A dead animal in the wild feeds countless organisms vital to a balanced ecosystem, including mammalian and avian scavengers, insects and microscopic organisms. Its body enriches the soil, nourishing plant life in the area.

Defense of trapping with the leghold is often associated with the alleged need for reduction of wildlife populations.

Ironically, trapping actually may increase populations of targeted species. Species tend to produce more young when populations are reduced through trapping or other means. Fewer aniamls exerting pressure on the resources of the habitat result in an abundance of food and cover for the remaining individuals. With plentiful resources, the population produces more young per breeding female, more animals survive to maturity and the population increases (Dixon and Swift 1980).

Conclusions

The leghold trap is undeniably non-selective. The injury it inflicts upon trapped animals is well documented. It is the injury of non-target animals so frequently taken with this trap, and their reduced chances for survival once released, that constitute sufficient reason for a prohibition on the leghold. Such a prohibition is supported by a large majority of Americans.

The Subcommittee on Health and the Environment is to be commended for scheduling hearings on so controversial a bill. Defenders of Wildlife strongly urges members of the subcommittee to take the next step; to move this bill into the full committee.

Defenders
OF WILDLIFE

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Testimony submitted in support of H.R. 1797
on behalf of Humane Information Services

4495 Ninth Avenue North
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by Tom Garrett

August 17, 1984

Mr. Chairman, Members of the Committee:

I am please to submit testimony in favor of H.R. 1797 on behalf of Humane Information Services, a national organization for the prevention and relief of animal suffering.

Nine years ago, in November 1975, the first hearings in the history of the United States Congress were held on a bill introduced by Representative Glen Anderson of California, with provisions similar to H.R. 1797. Those hearings, which I observed, and in which I participated,* were disorderly and sometimes ludicrous. Witnesses wept on the stand. A Congressman announced that pine martins were "savage rodents" and stomped from the room. There was shouting and heckling during testimony. Both sides had witnesses who made sweeping claims without providing the least documentation. Very little, aside from the patently obvious fact that the leghold trap is a cruel device was firmly established. The committee offered to report a study bill and when this was attacked by both sides, understandably let the matter lapse.

The contrast between the present hearings and those conducted in 1975 is remarkable. The defenders of leghold traps still claim to have "the experts" in their corner, and maintained that "Their opponents are simply very emotional people who see animals in a childlike way."[1] But at this hearing the sweeping, emotional claims made without documentation, and without backing of expert scientists come almost entirely from the opponents of the bill. It is the testimony of the bill's proponents which is footnoted, and larded with quotes from scientific journals.

This reflects two fundamental changes in the situation since 1975. First, the development of feasible alternatives to leghold traps has progressed tremendously over the past nine years. It can now be stated, from a solid base of evidence, that feasible alternatives now exist for all leg application, except possibly for drowning sets. This could not have been said in 1975.

The second change is that the general data base has also greatly expanded in the past decade. In expanding, it has tipped preponderately away from the cherished and reiterated tenets which some self-described "responsible professionals" of the wildlife management commmunity have used to defend trapping.

I will attempt to show that much of the opposition to the bill is based on "facts" which upon analysis reduce to absurdity, or at best are unproven, and can be disputed on objective ground.

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*As Conservation Director of Friends of The Earth

THE BILL WILL NOT OUTLAW ALL TRAPPING.

Several witnesses held that H.R. 1797 would "ban all trapping." Mr. James Goodrich of the Wildlife Legislative Fund of America announced that "because of its deceptive definition of a leghold trap, the bill bans trade in quick kill traps, mouse traps and rat traps, as well as leghold traps....It is clear that by stopping interstate and foreign trade in these traps, all trapping will end, even for public health and animal control programs."[2] Don Hoyt, Sr. of the National Trappers Association similarly claims that Sec 2(3) of the bill would "prohibit use of the common mouse trap and the killer Conibear and Bigelow traps."

Rat and mouse traps and the Conibear traps mentoned, rely, of course on a vertical stroke.[3] One must evidently assume that Goodrich and Hoyt do not know the meaning of the word "lateral" in order to avoid concluding that they were knowingly making false claims.

The fact is, that the bill, if passed, will not only allow existing effective killer traps, but may have little early effect on the use of leghold traps for damage control. Federal and State damage control agencies undoubtedly have large numbers of traps on hand. This will last for years. Most farms have leghold traps hanging in obscure corners, which can be used against marauding carnivores. There are probably enough leghold traps already available in most States and counties to mount "public health" trapping without going across State lines. It is also, given the difficulty in enforcement, all but inevitable that considerable fur, caught with leghold traps, would continue to enter the market, although this would decline with time.

STEEL LEGHOLD TRAPS DO CAUSE SERIOUS INJURIES.

A number of witnesses made claims such as that of Lonnie Williamson of The Wildlife Management Institute, who stated that: "We are aware of no evidence that shows properly used leghold traps to be less humane than any other effective capture device." Mrs. V. Pryor, of the National Wildlife Federation made the astonishing statement that: "Unlike the foot snare, which often causes extensive damage to the foot of the captured animal, the leghold trap does not completely restrict blood circulation."

If broken bones and smashed teeth are an index of "inhumantiy", the leghold trap is infinitely worse than cage traps or snares. From 1952 to 1955, 12 to 18 permits were given each season at the Wheeler National Wildlife Refuge in Alabama to professional trappers, and statistics were kept on crippling loss, defined as "pulling out of the trap, escaping with the trap, gnawing off the feet, and wringing off (twisting the leg off)." Of 288 mink trapped, 79 or 27.6% were crippled, mostly through "wring offs" rather than gnawing. Out of 566 racoons, 137 or 24% escaped crippled (mainly through gnawing). 26% of 196 grey and red foxes were crippled.[4] On the other hand, only about 2% of o possoms and strip ed skunks. No statistics on broken bones and teeth were maintained.

6

Don Balser (1965) conducted a trapping test to determine if the attachment of tranquilizer tabs to steel traps would reduce injuries. He found that 37.5% of the coyotes, 44.1% of the foxes, and 40.7% of the skunks captured in traps with the tabs showed foot injuries: this despite the fact that the majority did injest tranquilizer.[5]

By far the most extensive data, divided into age classes, is--of course--that developed by Professor Englund and presented before the Committee. 38% of all foxes caught in unmodified legholds, and well over half of foxes more than one year old received severe dental injuries. The mean number of teeth worn down to the jawbone among severely damaged animals was 4.2. Only two of 123 foxes caught in snares received severe dental injuries, with 1 tooth involved in each case.

Thirty percent of the foxes caught in unmodified traps suffered broken bones 43% of those caught in plastic cover steel traps, but only 3% of those caught in snares showed broken bones. Englund found far less evidence of fear or panic among snared animals.[6]

Cage traps may occasionally involve damage to the teeth. I once caught a packrat in a cage who somehow managed to push his head trough the top mesh and hang himself. But it is abundantly clear that snares and cage traps are infinitely less apt to produce injuries than are legholds, and the injuries produced are far less likely to be severe.

TRAPPED ANIMALS FEEL PAIN AND SUFFERING

The assertion that trapped animals feel no pain is utterly contrary to the intuitive perceptions of almost any person: from a three year old child, to an experienced veterinarian. It is not only intuitively absurd, but completely contrary to logic.

I have heard of only one physiologist, who would not agree with neurophysiologist Dr. Sam Peacock, as quoted by Dr. Ned Buyukmihci before the Committee: "To deny the existance of a conscious pain perception in mammals is to be totally blind to their non-verbal communications and ignorant of basic anatomy and physiology. It is like denying the earth's rotation around the sun."

All other mammals, indisputably, have the same essential mechanism for feeling pain as do humans. The correlation between pain producing stimuli and activity in certain peripheral nerve fibers - the same fibers in humans and other animals - has been demonstrated repeatedly. According to Vierck (1976) "The presense of small caliber fibres with so called 'free nerve endings' in all mammals studied indicates there is a common peripheral system among mammals for generation of pain."

All mammals have pain conduction systems to the reptilian and paleomamilian brains, which control arousal and emotion. There can be no question but that the basic mechanisms of pain evolved very early in the lines leading to mammals and birds, that they are shared by most higher animals, and certainly by all mammals. Accoridng to Vierck, "Thus we must assume that these animals not only feel pain but suffer from it."[7]

Vierck further remarks that "After extended experience with pain, an animal...could become quiet and withdrawn and give little overt behavioral evidence of pain." Anyone who has seen, or been in, a hospital filled with wounded knows that this is often the case with humans as well. This shock-apathy reaction explains the alleged passivity of some trapped animals.

The often repeated claim that a trapped limb becomes numb again conflicts with logic. If the nerves are completely crushed by the trap, the forepart will presumably become numb. It will certainly become numb if it freezes, which is often the case. But the nerves above the point of seizure will continue to transmit, and the pain is bound to be intense if the animal struggles. Further, a mouthful of broken, bleeding teeth can hardly be comfortable.

The germain question is probably not whether a trapped animal feels pain, compounded by terror and rage, for that is beyond rational dispute, but rather why anyone would maintain otherwise. Yet, How many times over the years has it been maintained that people: persons of another race, "lower" classes, peasants, slaves, conscript soldiers, and so on were "brutish", insensitive to death and suffering, and thus - in effect - did not really feel pain?

ALTERNATIVE TRAPPING METHODS ARE AVAILABLE.

The common theme of opponents of the bill that no alternative is available is not at all justified by the facts. Conibear traps are already, for example, the primary trap in most muskrat marshes.[8] Box traps are too cumbersome for large scale field trapping, but they have many uses, especially in suburban or urban areas where dogs are common.

The original Aldridge foot snare which was first designed to catch bears, and (unfortunately in my view) does so effectively has spawned a number of adaptations for smaller animals, and inspired some new designs. The most extensively tested design to date is the Swedish Aberg snare which, as Dr. Jan Englund testified before the Committee, has been completely field tested and will be accepted for use in the northern half of Sweden to replace the steel jaw trap, which was banned in 1967. Finland may also soon adopt this snare.

"After some years of snaring" Englund testified, "many of the older and experienced trappers say that it is better than a steel trap in all respects." Several leg snares, including the promising EZYONEM snare are available in the U.S. and Canada. Some Canadian trappers are now using snares, including one marketed by Woodstream as a matter of choice.[9]

While this snare may (or may not) need additional work to be fully adapted to U.S. conditions, and the nearly injury free record in Sweden may worsen somewhat when snares are held fast, the fact is that snares are available, they work efficiently, and they are infinitely less brutal than leghold traps.

The only area where there may not be a feasible trap to replace the leghold is for drowning sets for beaver. There are conditions and places where large Conibears are not suitable, and the usefulness of snares has yet to be established. This is an area where further testing is needed.

THERE WILL NOT BE A SEVERE ECONOMIC IMPACT IF THE BILL IS PASSED.

The economic gotterdamerung for the industry so plangently forecast if the bill passes is a fantasy. Almost none of these highly emotional claims holds water under scrutiny.

After claiming that H.R. 1797 would "seriously damage our company", the Executive Vice President of Woodstream admitted to the Committee, just as Christine Stevens stated in her testimony, that the company has been sustaining losses from its steel trap division. "Woodstream," said Mr. Robinson, "survives because it is a diversified company." Logically, the company, with the passage of H.R. 1797, should be able to compensate by increased sales of both cage traps and snares. One gains the impression that Woodstream's major fear is that it might lose the virtual monopoly it now enjoys on trap production to fresh, innovative competitors. The net economic effect, in either case, might well be to bring back some of the jobs which the steel jaw division exported to Taiwan, where the majority of Woodstream's leghold traps are said to be manufactured.

If the fur industry wishes to make its own claim of looming disaster plausible, it should be able to show, at least, that state bans on leghold traps have produced hardship. There are, however, no such examples. The yearly catch of raccoons has increased 400% and the catch of foxes doubled in Massachusetts since a ban on legholds went into effect in 1974. Congressman Brown testified before the Committee that the fur harvest had increased in the State of Florida since a ban was instituted as well. Certainly the fur markets in London and Frankfurt, cities in nations which have long since banned the steel leghold trap, continue to thrive.

The evidence from this country is that trappers can adjust their trapping technology and continue with hardly a hitch to catch animals as the market demands. The fur industry is maintaining that the bill will ruin it in the face of evidence that there are alternatives to leghold traps and that trappers can, and have, find them and use them.

THE BILL WILL NOT CAUSE "OVERPOPULATIONS OF FURBEARERS" WITH CONSEQUENT EPIDEMICS.

There is, first, no reason to believe that numbers of trapped animals will particularly decline if the bill is passed. If trapping does decline, there is no way to predict the effect this might have on wildlife diseases. Biological science has long since discarded the 19th century idea that wildlife populations are controlled largely by Malthusian checks. Even acknowledging that disease outbreaks are density dependent, or at least density responsive, there is no reason to expect that commercial trapping, guided by capricious market forces, will necessarily improve the situation.

When a population of animals is heavily "cropped" there are two usual responses. The pregnancy rate increases and the litter size of pregnant animals giving birth also increases. Coyotes exposed to predator control on the Edwards plateau in Texas showed a typical carnivore response. The litter size in three counties undergoing intensive predator control rose to a mean of 7.2 young per litter, while those in two lightly controlled counties remained at a mean of 3.5 per litter. (9) Geir (1968) found that the percentage of sexually active female coyotes ranged from 75% to 36% depending on the rough ratio of available food to coyote numbers. Reducing coyote numbers obviously improves the ratio and tends to increase pregnancy rate. (10)

The effect on population structure of control measures is to increase the percentage of young animals. This creates a population more susceptible to disease, since older animals are far more likely to have developed immunity to various disease strains. (11) The susceptibility of the younger population may be worsened by the fact that young animals are less territorially fixed and are more mobile than older animals.

If a particular species is sufficiently depressed in an area, another kind of compensation occurs. Typically, the carnivore biomass in the area builds back in the form of carnivore species smaller than that being removed.

Thus it is perfectly possible to construct a scenario in which trapping increases disease susceptibility in a population by increasing the percentage of susceptible individuals, and by creating a disorderly population without fixed territorial boundaries and dominance structures. If the control pressure is increased to the point of virtual annihilation, which it must be in to break a chain of intraspecies transmission, things could still be worsened. For example, a campaign against foxes to lessen the likelihood of rabies could lead to a compensatory increase in skunks, which are far more persistent and dangerous as rabies carriers than are foxes.

One could well extend the control campaign, in turn, to the smaller carnivores. But what would be the effect on their prey species? The virtual annihilation of margays and other wild felids in Bolivia for fur in the early 1970's is blamed for a vast increase in rodents who swarmed into the towns and brought scrub typhus and Haemorrhagic Fever with them. Lockley (12) has in his book The Private Life of the Rabbit, speaking of the leghold (gin) trap in Britain: "Rats...increased as foxes, stoats and weasels declined. It is safe to say that the introduction of the steel rabbit trap led to a huge increase in rabbits and rats in the British Isles in the first half of the present century, which caused intolerable damage to agricultural production...estimated at 40 to 50 million pounds annually."

Laying aside interspecific concerns, there are additional obstacles to commercial trapping being useful in population and disease control. First, it is controlled by market forces, not by "management requirements." For example,of the two major vectors of rabies, bats and skunks, bats have never been trapped and skunks have not been trapped for many years. The second obstacle is, that to be really useful in breaking up disease transmission, most carnivores must be repressed to a level below the point of diminishing returns, where the extra effort will not return sufficient economic yield to be worthwhile. Finally, if the populations are driven to a low level, the cardinal principle of wildlife management, the maintenance of a maximum sustainable yield (MSY) level has been violated. MSY, for most species, is far above the level which is needed to prevent, far less control, outbreaks of disease.

The arguments repeated once again at the hearings about trapping and disease control have been rejected by the National Academy of Science, by the Centers for Disease Control and the great majority of bona fide research biologists. (13)

THE LEGHOLD TRAP IS HIGHLY INDISCRIMINATE.

The claims by some witnesses that the leghold trap is "selective" can be swamped with studies showing high ratios of non-target species being caught in traps. Many thousands of pets are caught in traps every year. Birds are particularly susceptible, and few - with their fragile bones - survive. (14)

The case for ending the use of the leghold trap on grounds of cruelty has been made. The case against doing so on economic, wildlife management and sundry other grounds has not been made at all.

We commend the subcommittee for holding hearings on trapping, and urge the members to make every effort to take HR 1797 to the House Floor.

REFERENCES TO TESTIMONY

1. The Wildlife Legislative Fund of America; Pres s Release July 31, 1884

2. WLFA Press Release

3. The Bigelow killer trap does rely on lateral pressure, although it can hardly be described as having "jaws". In any case, the Bigelow trap is considered by the Canadian Association for Humane Trapping to be an unacceptable design, which tends to "maim and mutilate" rather than kill quickly.

4. Testimony at the August 3 hearings.

5. Atkeson,T.Z.(1956) Incidence of Crippling Loss in Steel Trapping. J. Wildlife Management 20 (3) 323-324 ; Balser,D.S. (1965)Tranquilizer Tablets for Capturing Wild Carnivores J Wildlife Management 29(3) 338-42

6. It should be mentioned that the Swedish practice of allowing snares to drag freely until they "hang up", rather than anchoring them, is contrary to U.S. and Canadian techniques. Swedish trapping is conducted under uniform deep snow conditions.

7.Vierck,CJ (1976) Extrapolations from Pain Research Literature to Problems of Adequate Veterinary Care. JAVMA 168 (6); 510-13

8.From two thirds to three quarters of muskrats are evidently taken with Cinibears

9.The Woodstream trap is so nearly id entical to one developed by Milan Novak of the Ontario Department of Fish and Game that legal action has been threatened. All US and Canadian snares have devices to thrust the loop well up on the animals leg, a featyre absent from the Swedish device.

10.Knowlton, F.F. (1972) Preliminary Interpretations of Coyote Population Mechanisms with Some Management Implications. J. Wildlife Management 36(2) 369-82. Gier, HT (1975) Ecology and Social Behavior of The Coyote ; in Fox; The Wild Canids

12. Lockley, T. The Private Life of The Rabbit P 14

13National Research CouncilSubcommittee on Rabies. Contro of Rabies. National Academy of Sciences 21 (1973)

STATEMENT

# of the

PUBLIC LANDS COUNCIL

Mr. Chairman:

The National Public Lands Council, an organization representing cattle and sheep producers, is opposed to H.R. 1797, a bill which has as its stated purpose the ending of the use of steel jaw leghold traps on animals in the U. S. and abroad.

It has been said that food and shelter are man's primary needs. In primative times, man lived by foraging wild plants and animals. No one would contend that today's human population could survive in such a manner. Today, management of our resources is necessary to provide the food that we need.

Wildlife is also part of our environment today and most would agree that wildlife have values which ought to be preserved. With rare exception, wildlife do not live in completely natural ecosystems but in environments permanently altered by man. Therefore, some human intervention or wildlife management is required in order to (among other things): (1) preserve a diversity of wildlife species; (2) prevent damage to wildlife habitat and other natural resources such as watersheds; (3) maintain healthy wildlife populations; (4) protect human health; and (5) continue the needed production of food and fiber from domestic crops and animals.

Traps are a method used in wildlife management. Those organizations which are most vociferously supporting H.R. 1797 have, by their own records, opposed all forms of wildlife management. They are opposed to all traps, they are opposed to snares, they oppose hunting, they oppose the use of poisons They do not think that wild horses should be removed from the public range even though they are destroying range resources. They say it is better to let the horses starve to death. Some are opposed to the killing of any animals for any purpose and are opposed to the use of any animal products for food or anything else.

Currently, trapping is the method most used to control predators which will kill and maim livestock. U. S. Fish and Wildlife Service figures show that in the federal Animal Damage Control Program about half of the predators that are taken are captured in traps. Other methods used are shooting from the ground, shooting from aircraft, snares, so called "denning", use of dogs, and use of an exploseve device called the M-44.

None of these other methods could substitute for the use of steel traps. For example, aerial hunting, the second most common method used to control predation, is restricted by terrain, vegetation, weather, and other conditions. It is also banned in some states.

A number, or combination, of methods and techniques is needed to effectively control predators. The most suitable method (or methods) depends on the locale and particular case.

Currently, predation by coyotes alone costs the livestock industry over $100 million a year in the value of livestock killed. This does not count the economic impact of the thousands of ranching operations that have been abandoned in recent years because of heavy predation, nor does this include the costs of management measures that ranchers have taken to try to reduce predation.

Predation reduces supplies and increases prices of meat. It has been estimated that coyote predation has an economic impact on consumers that is about 2½ times greater than the losses suffered by producers.

If the most effective method of predator control currently used (the leghold trap) is banned, the economic impacts on livestock producers would be disastrous and the American consumer would be adversly affected. It should be pointed out that areas in which livestock predation is heaviest are generally not suited for other types of food production.

Other witnesses, I am sure, will speak to the humaneness of the proper use of steel jaw traps. In our opinion, the charges that these traps are inhumane are a smokescreen. The opponents of traps are opposed to all forms of wildlife control, The Humane Society of the U.S. states that their "ultimate goal is to develop...a generation of adults who will no longer have any wish to kill any living creature..." Today the trap, tomorrow the flyswatter!

Speaking of humaneness, coyotes often kill for the sport of it; it is not a pretty sight to see a live young lamb that is partially eaten by a coyote. Rabies and bubonic plague are not exactly pleasant either.

We urge this subcommittee to reject this bill.

Hope Ryden *345 East 81st Street* *New York City 10028*

June 6, 1984

Congressman Henry Waxman
Subcommittee on Health and the Environment
House Office Bldg
Washington D.C. 20015

Dear Mr Congressman:

I am a naturalist and author who has spent a good deal of the past fifteen years in wildlife habitat across the United States researching North American animals. In the course of my field work I have often come upon the sad results of the leghold trap. I would appreciate it if you would include my enclosed testimony in support of passage of H.R.1797 in the record of hearings on that proposed legislation.

Thank you for holding these hearings.

Respectfully,

Hope Ryden

Hope Ryden

P.S. I am enclosing a cover story I wrote for GEO magazine which ran in February of 1981. Although the article is about the nesting of eagles, I make mention of the impact of trapping on the precarious population in the Chippewa forest in the last two pages, citing the large number of eagle casualties to this device brought into the Raptor Research and Rehabilitation Center at the College of Veterinary Medicine, University of Minnesota. I also am enclosing a xerox of a photograph I shot there of 22 amputated eagle feet.

If you think there would be time and interest in my testimony, I would be glad to testify in person on this important issue.

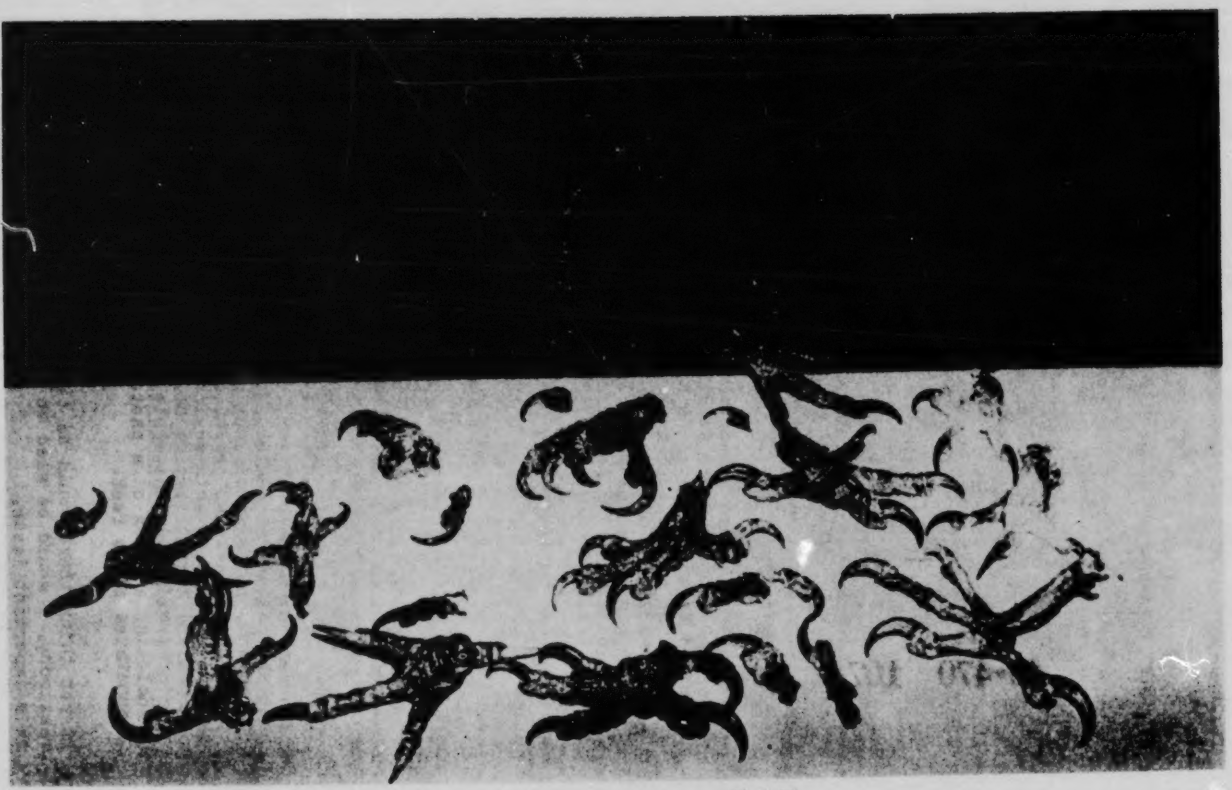

PHOTO BY Hope Ryden

TAKEN AT RAPTOR RESEARCH AND
REHABILITATION CENTER
U. of MINNESOTA
VETERINARY COLLEGE

701

22 EAGLE FEET
AMPUTATED AFTER CRIPPLED
BIRDS BROUGHT TO CLINIC. ALL
VICTIMS of LEGHOLD TRAP

7 8

HATCHING HIGH

BALD EAGLES ARE THRIVING AT THE HEADWATERS OF THE MISSISSIPPI. IT HASN'T BEEN EASY.

Article by Hope Ryden

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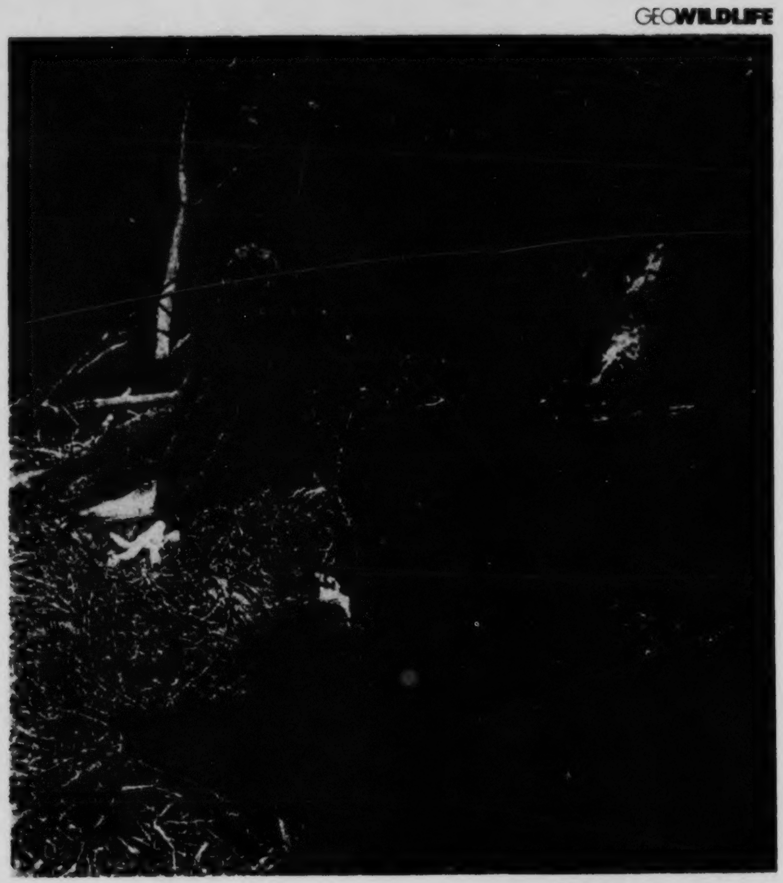


Eaglets in Minnesota's Chippewa National Forest spend their first three months confined in huge treetop nests constructed of sticks and lined with softer materials.

The eagle chick plucked a large stick from its massive aerie and tossed it several feet into the air. I wondered, was this young bird seeking a playful outlet for pent-up energy while awaiting the day when it could make its first flight? Its nest mate, when not occupied preening glossy new feathers, peeled bark from a nest support branch. Perhaps three months of confinement in an aerie can weary even a bird.

The young of the American bald eagle enjoy (or endure?) an unusually long period of dependency on their parents. By this day in mid-July, the pair of phoebes that regularly nest under my eaves in New York State could have reared their third brood of young. But here in the Chippewa National Forest in northern Minnesota, not one of this year's 108 eaglets had as yet departed any of the 90 active nests I had only that week helped to count. Nor were the white-headed parent birds showing signs that they were growing tired of caring for their hungry charges. On the contrary: although the young eagles were by now as big and dark as vultures, and though they did not bear the least resemblance either to their yellow-beaked parents or to their former fuzzy-bodied selves of May, the bond between adult and offspring had not weakened.

The census flight I had been invited to take with University of Minnesota professor Daniel Frenzel had radically altered my view of the Chippewa, as this 60-mile-by-60-mile national forest is called. We had flown over deep green conifer stands, gazed down on a blue mosaic of more than 1,000 fish-filled lakes and located the infant Mississippi River, a silver trickle embarking on its 2,350-mile journey to the Gulf of Mexico.

How fitting, I thought, that the mighty Mississippi and the American bald eagle, two symbols of our nation's pride, should spawn together here in northern Minnesota. How appropriate that our "father of waters" and our national emblem should be so intertwined. For even in winter, the fish-eating raptors follow the Mississippi's southbound course, congregating at such river towns as Keokuk and Savanna, Moline and St. Louis, wherever dams or power stations keep the water free of ice.

Sighting nests from the air did not require the keen vision of the eagles that had built them. *Haliaeetus leucocephalus* can detect its mainstay diet, freshly dead and dying fish, from a height of several hundred feet. Its aeries, however, were plainly evident even to me. Constructed of huge sticks, they sat like big conning towers in the tallest of trees (invariably white pine, red pine or aspen), whose crowns surfaced above the forest canopy. The largest aeries weighed approximately two tons and measured eight feet across. Many of them were made yet more conspicuous by the bright green pine bough that had been stuck in their bowls. The eagle's purpose in so decorating its nest has never been fathomed.

Every year Frenzel takes a census of the eaglets in this forest. Of the 200 nests we sighted, less than half contained young. This fact, however, did not imply breeding failure, for more than half of the nesting pairs had built one or more backup aeries in the territory each claimed and defended from other eagles. Naturally, these contained no chicks.

Only a few empty nests reflected the kinds of catastrophe that sometimes befall the species. In one case, high winds had blown three chicks to their death. Another nest tree, increasingly burdened by its lodgers' home improvements (the annual addi-

Bald eagles are rarely far from water—and fish. They use their talons (top) to catch and kill prey. Head, neck and tail feathers turn white at about age five.

Immature bald eagles have dark plumage mottled with white, and dark beaks and eyes, which turn yellow at maturity. The chick at top is one hour old.

tion of a foot of sticks), had toppled. And it is likely that a few newly built nests had not been completed in time for use this year.

The eagle is on a tight schedule. Most bird species build a nest from scratch each spring. The bald eagle barely has time to renovate an existing nest if its offspring are to become self-sufficient in time for fall migration. It takes 35 days for the eggs to hatch, and three months for the young to fledge. For this reason, nesting pairs must be carefully protected from every kind of disturbance. A damaged aerie or cooled eggs can put a halt to reproductive effort for an entire year—sometimes forever.

At one time, not so many decades ago, 100,000 breeding eagles found nest trees to their liking across the continental United States. Today, with the exception of eagles in Alaska, only about 1,000 pairs attempt to rear young in a few key places. While this is two and a half times more birds than were estimated to be breeding a decade ago, it does not ensure the recovery of the species. Not enough is known about eagle survivorship to determine whether 1,000 pairs can produce sufficient offspring to replace annual losses, for the eagle has low reproductive potential. It normally lays only two eggs each year, and it doesn't breed at all until its head and tail turn white, at age five.

The most productive eagle breeding range outside of Alaska (where the bird is not judged to be in trouble) lies in the north-central states of Minnesota, Wisconsin and the upper Michigan peninsula. Here birds nest beside many lakes and drainage systems that feed into the Mississippi. In autumn, the birds themselves funnel down tributaries and into air space above that compelling waterway. Joined by bald eagles from Canada, their numbers swell.

Eagle watchers wait for them to come. Seventy-five-year-old Elton Fawks of Moline, Illinois, counts the birds, and he has done so for nearly 60 years. His tallies indicate that this midwestern population is gradually recovering from the devastating era of DDT use. Fawks's highest winter census was taken in 1981, when he and Mike Sweet counted 1,511 bald eagles on the river between St. Paul and St. Louis.

To the birds of the Chippewa, these distant stretches of river are an extension of habitat. Their fate depends on the health of the long waterway. And though the Mississippi is cleaner today than it was 15 years ago, its condition leaves much to be desired. At the same time, federal environmental standards have been relaxed, funding for sewage treatment has been cut off, nuclear dumping has occurred, and agricultural runoff is putting new chemicals into the river.

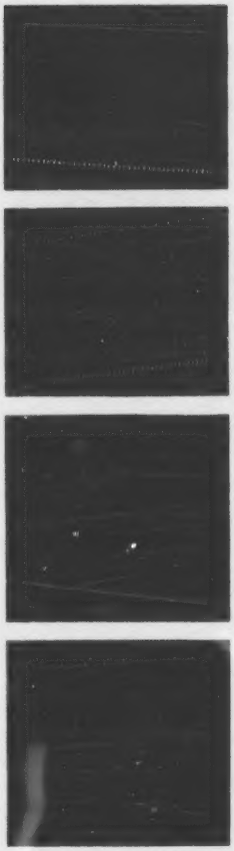
Equally threatening to the wintering birds is the loss of roost sites all along the Mississippi's course. At night the eagles must take refuge from bitter winds that blow off the river. As the cold light fades, they mass in aged elms and sycamores situated behind bluffs and in sheltered ravines. Looking like ornaments on the leafless branches, the birds space themselves carefully and sit with their feathers puffed out against the frigid air.

But roads and motels and factories and vacation homes are fast displacing these wooded tracts. And though organizations such as the Eagle Valley Environmentalists, The Nature Conservancy and the National Wildlife Federation have purchased or otherwise gained protection for several night roost sites, many more will have to be preserved if the Chippewa forest's impressive production of eaglets is ever to mean anything.

I went to the Chippewa because it supports the highest density of breeding birds of any place in the lower 48 states. This splendid condition can be credited to strategies devised by the forest's wildlife biologist, John Mathisen.

Twenty years ago, when Mathisen was assigned to the Chippewa, the bald eagle was in serious trouble. In most places across the country, the birds' eggs were so thin shelled that they collapsed under the weight of a sitting hen. Knowledgeable people suspected that the pesticide DDT was responsible. But it would take the federal government another decade of study to make the decision to ban the substance. Meanwhile, Mathisen, upon finding himself in a place where eagle chicks were still pipping their way out of viable eggs, acted swiftly to minimize every other kind of stress on the birds.

To its credit, the U.S. Forest Service fully implemented Mathisen's early recommendations. Between February and October of every year, buffer zones were established around each active aerie. Roads were closed, hikers given limited access and logging suspended. Moreover, potential nest sites were left uncut. Finally, biologists, among them my flight companion and Tom Dunstan of Western Illinois University (who later joined me in the forest), were invited to study the Chippewa birds. As a result, this forest today stands as a model for eagle recovery programs throughout the nation. It got a long jump on every place else.



Ill and injured eagles are cared for at the Carpenter Nature Center. The birds, attached to nylon lines, are exercised outdoors until they are strong.

The nest Mathisen directed me to watch could be observed from a boat that provided an unobstructed view across the restricted buffer zone. Two weeks before my arrival the nest had contained three chicks. But the third eaglet, a rarity, had been removed by the U.S. Fish and Wildlife Service and then shipped to Tennessee to be "hacked out."

Hacking out birds is an old falconry practice that is now being employed by federal and state eagle recovery teams in an effort to reintroduce nesting birds to former haunts. A half-grown eagle is caged and placed in a tree, where it is fed by concealed human beings for a period of time before being released. The surrounding countryside, it is hoped, will become so imprinted on the birds that they will later return to nest in the area. The method has proved successful and seems less risky than other techniques, such as the placement of eggs or infant chicks under foster parents.

The two remaining eaglets seemed to be ready to fledge. Besides tossing sticks, they frequently worked out, jumping up and down and beating their wings with great vigor. However, these calisthenics ceased abruptly whenever either parent glided in with a fish. The two eaglets would immediately hunker down, quiver their wings and cheep like infants.

In response, the food-bearing adult would rip up its offering of bullhead or sucker or northern pike and present one or two pieces to its importunate young. It would soon quit this task, however, and lift to an overhead snag, from which vantage point it could look on in peace while its offspring each tried to corner the remaining food. By now the young birds, with six-foot wingspans, were nearly as large as their parents.

One day I watched the larger of the two eaglets jump out of the aerie. It landed so clumsily on one of the thick branches supporting the great nest that for several seconds it had to make brisk use of its wings to regain its balance. What would have happened, I wondered, if the eaglet had missed its target and plummeted 100 feet to the ground below?

Over the next few days, the still flightless eaglet spent considerable time outside the nest testing its branch-walking ability. As a result, when a parent would come in with a fish drop, this bird often found itself out on a limb in more ways than one. For the sight of food always elicited its begging response, which had to be acted out before it could make a jump for the nest. Meanwhile, its sibling would appropriate all of the food.

When Tom Dunstan joined me at the nest, I hoped he would reassure me that the young bird was in no danger of falling. He could not. At this stage of its development, he told me, a gust of wind could lift the youngster off its perch and drop it into the dense vegetation below. In that case, it might perish.

"Eagle parents can't fly through brush," Dunstan explained. "Eagles fly like hang gliders. They need open space and the wind flow off the lake. Before making a landing, they must dip, so clearings and bare branches are essential elements in every nesting habitat. Old and dead trees must be left standing. Of course, if this immie [immature bird] were able to flap its way to a clearing, the parents would continue to bring it food."

Family life does not break up when the young take wing. Even after the immies have become such adept aerialists that they can engage in sky games, they continue to receive handouts from the adults. The mere sight of a parent carrying fish will prompt a fledgling to wing to home base and call for food.

It is not clear at what age young eagles learn to swoop into water and grab fish for themselves. Observers say that during the birds' first autumn, they feed on ducks that have been wounded by hunters and on any carrion found on shore. While crippled ducks might seem a propitious food source, the lead shot they contain sickens and kills birds that swallow it.

Evidence of lead toxicity is seen in many eagles brought to the Raptor Research and Rehabilitation Center, a University of Minnesota veterinary college facility in St. Paul that provides medical care for sick and injured birds of prey. Dr. Gary Duke, the founder, coordinator and chief fund raiser of this unusual clinic, explained to me that even low levels of lead in a bird's system can greatly reduce its ability to survive. "To make it in the wild, an eagle must be in top physical form," he explained. "Like an NFL fullback!"

Nevertheless, legislation requiring that steel shot replace lead has met resistance from hunters. One such measure did pass in Illinois but was later rescinded as a result of protest from this vocal group.

During my visit to this raptor "rehab center," I quickly discovered that bullets, whatever metal they are cast of, are responsible for a tragic number of

(Continued on page 118)

BALD EAGLES

(Continued from page 97)

eagle injuries and deaths. Trapping and shooting, in fact, accounted for most of the wounded birds I saw. Many could never be released; a number would have to be humanely destroyed, but those with permanent injuries would be used in captive-breeding programs aimed at restoring eagles to former nesting areas. A few birds were also being evaluated for possible use in educational exhibits. And as soon as they were old enough, three eaglets that had been orphaned by an illegal feather hunter would be hacked out in North Carolina.

"They're almost all starved by the time they're found and brought in, and it's hard to turn them around," Duke told me. Yet Duke's partner in this venture, Dr. Patrick Redig, has proved himself a wizard at the task. Twenty-four hundred birds of prey—owls, hawks and eagles—have been treated by him since the clinic opened in 1972. Of the 216 bald eagles that he has cared for, 46 percent have been restored to health and eventually released. Three of these birds, which were tagged, have been observed rearing young.

Redig feels that public education is essential if the bald eagle is to survive. In particular, he would raise the consciousness of hunters who, out of ignorance or in defiance of law, fire on our national bird. Trappers, too, might have their eyes opened by a visit to the clinic. Redig showed me 30 eagle feet he had amputated and added that these were not all of them.

A happier setting than the eagle sick bay is the Carpenter Nature Center outdoor eagle pen, a kind of halfway house to which Redig's patients are taken prior to being released. I visited the center on the morning two adult eagles were set free. One of the birds, which was known only by its case number, H-59, had suffered damage to a wing when it collided with a power line. The other had been hospitalized for so long that it had acquired a name—Popsicle.

Popsicle was discovered in a leghold trap by a Wisconsin conservation officer who promptly shipped the injured bird to the rehab center. (Because it is authorized to care for endangered species, the Minnesota clinic often receives birds from out of state.) For Popsicle, as for many trap victims, recovery was marked by setbacks. After the amputation of one of her toes, an infection set in. Then her healthy foot, having had to bear all her weight for so long, became diseased and required treatment. To compound these medical problems, she had not handled captivity well; she had banged into walls until she broke her flight feathers, requiring that Redig implant new ones taken from an eagle that had died. By then Popsicle's muscles had atrophied from lack of use. To restore her power of flight, she had to be exercised daily for several weeks.

Many first-time visitors to the university campus are startled to see students and assistants from the rehab center flying convalescing eagles on long nylon lines. Looking like fanciful kites created for some Chinese festival, the huge birds are tossed into the air and flown over the heads of a student body that has grown indifferent to the sight. Their handlers run back and forth, taking care that the lines attached to the birds' legs do not become entangled in trees. These young people are more than competent, and they handle their avian charges with such skill that one tends to forget that an eagle can be dangerous.

Eagles kill with their feet, grasping prey and driving their sharp talons deep to reach vital organs. Their hooked beaks are used primarily to tear up food, but the bald eagle is quick to learn that this tool can also serve as a weapon. Though the species is not particularly aggressive (despite tales that it carries off babies), *Haliaeetus leucocephalus* is so well armed that great care must be taken by those who handle it.

The release site chosen for Popsicle and H-59 was a high bluff overlooking the Saint Croix River a short distance before that scenic waterway joins the Mississippi. At "the toss," each bird flapped over the edge of the bank, caught a thermal and then, looking like a proud ship of the sky, sailed majestically downstream.

As we watched Popsicle grow small, Redig mused: "To think I almost gave up and put that bird down!" A moment later he added, "People ask me why I expend so much energy on one eagle. Well, here you see! It was all worth it."

Worth it, indeed! I stood a long time, straining for a last glimpse of those two birds, fit as NFL fullbacks, gliding off to rejoin the wild eagle population. Silently, I wished them Godspeed and long lives.

Yet I knew their fates depended not on my well wishes but on the perseverance of many dedicated individuals working in various and seemingly uncoordinated ways to rescue the American bald eagle from its precarious status. So many tasks need to be carried out. Nests must be protected, birds healed, money raised, roost sites purchased, chicks hacked out, captives bred, populations monitored, trees spared, migrants counted, the public educated, laws enforced, the environment cleaned up.

That is how the bald eagle can be returned to America. My experience in the Midwest has informed me that there is no quick-fix alternative. ☐

Hope Ryden *is a writer, photographer and naturalist. Her most recent book is* Bobcat Year.

1450 Palisade Avenue
Fort Lee, New Jersey 07024

June 10, 1984

Representative Henry Waxman, Chairman, Subcommittee on Health
and the Environment
Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Waxman:

I urge you to support H.R. 1797 which will curb the use of the steel leghold trap throughout the country thus limiting the cruelties as shown by my enclosed photo.

As you may know, New Jersey, my home state, has just passed a law prohibiting the use of the steel leghold trap. We in New Jersey, feeling as we do about these traps, do not wish the products of trapping to be shipped through our state.

Very truly yours,

Sandra L. Frost

Sandra L. Frost

ANOTHER LEGHOLD TRAP VICTIM

SEE STORY PAGE 8

FROM: FRONT PAGE
THE HUMANE NEWS

124 EVERGREEN AV
NEWARK NJ 07104
APRIL 1984

Encl: 1

ANIMAL
RIGHTS
KINSHIP

June 10, 1984

Subcommittee on Health and
The Environment
Rayburn House Office Building
Room 617 - Annex 1
Independence Ave. & South Capitol St. S.W.
Washington, D.C. 20515

Gentlemen:

I would like to submit this written testimony urging you to report favorably on H.R. 1797, Representative Clarence Long's bill which bans the use of the leghold trap for commercial use.

The steeljaw leghold trap inhumanely kills millions of victims each year, many of them not the target animals. Since they are not selective, these traps are inefficient in solving problems that involve wild animals, such as disease or population control.

Therefore, I urge you to move for the prohibition of the use of this trap, which is already outlawed in over fifty countries.

Sincerely,

Ann Koros

ANN T. KOROS
President

ATK/rth

ANIMAL RIGHTS KINSHIP, INC. • 8513 CAPITAL OF TEXAS HWY. N.• No. 3028 • AUSTIN, TX 78759
(512) 346-5351

ANIMAL
RIGHTS
KINSHIP

July 17, 1984

STATEMENT FOR INCLUSION IN THE
HEARING RECORD ON H.R. 1797

The following written testimony is submitted in support of H.R. 1797, the bill to ban the use of the steel-jaw leghold trap.

The steel-jaw leghold trap is responsible for the deaths of millions of animals annually in the United States, although it has been banned in some 60 countries around the world. This crude device is by far the worse animal cruelty of all and should be condemned for the simple reason that it is barbaric, while in no manner necessary to the welfare of man.

The steel-jaw leghold trap does not contribute to the control of wild animal populations or disease, such as rabies. In fact, there is evidence that trapping in itself causes instinctive over-breeding as compensation. The trap is non-selective, catching whatever crosses its path, including endangered species, dogs and cats, even children. There is no guarantee that those animals caught will be disease carriers. Further, animals do not normally need man's help to maintain a balance between numbers and food. Balance occurs naturally through the interaction of animal species with their environment. In those instances where control measures are necessary due to human intervention and destruction of natural predators, we must target problem species only; and the solutions to specific problems must proceed along enlightened, humane principles.

The Subcommittee on Health and the Environment is urged to give its full support to H.R. 1797.

Respectfully submitted,

Mary E. White
Vice President

ANIMAL RIGHTS KINSHIP, INC. * P.O. BOX 9053 * CLEARWATER, FLORIDA 33541
(813) 530-4287

Beauty
Without Cruelty
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Dusty Springfield
Loretta Swit
Gretchen Wyler

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East Africa
United States of America
Wales
Zimbabwe

Affiliated Organisations
Compassion in World Farming
World Society for the Protection of Animals

June 11, 1984

TESTIMONY ON H. R. 1797

From Beauty Without Cruelty U.S.A., member society of Beauty Without Cruelty International, which includes twenty-five societies in sixteen countries, affiliated with the World Society for Protection of Animals. Beauty Without Cruelty U.S.A. includes about 4500 members throughout all fifty states.

Our society strongly urges support of H.R. 1797 as a step in reducing and hopefully eventually eliminating the extremes of suffering imposed on millions of wild animals annually for the production (mostly) of nonessentials.

Now, in the 1980s, there is a wide choice of replacements for fur which are equally warm and some of which provide equal or better display, especially as they have been produced humanely.

A study by Gregory H. Smith Ph.D. in 1976 demonstrated that a simulated fur coat involves less use of fossil fuel than a fur coat, because of transportation of the pelts from traplines to the various processers, involving fuel for shipment. Besides, there are many other well liked substitutes for fur.

A Doyle, Dane and Bernbach study (carried out by Henry Swift Research Associates under DDB Research and Marketing) demonstrated in 1983 that two people out of five did not buy fur because they considered it wrong to kill animals for this. Eighty-five per cent of the population said that they would be less likely to buy a product from a company that they believed to be

Beauty Without Cruelty International

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175 West 12th Street
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Founder
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Wales
Zimbabwe

Affiliated Organisations
Compassion in World Farming
World Society for the Protection of Animals

Testimony on H.R. 1797 continued, page 2

endangering animals in the wild. "The'Rights of Animals'is becoming a mainstream concept."

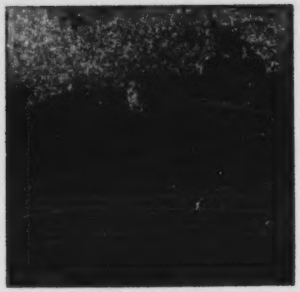
Fifty-two countries banned the steel-jawed leg hold trap in or before 1980. This places the present position of the United States, with regard to humane treatment of wildlife, behind most European countries, as well as Morocco, Kenya, Jordan, Portugal, Tunis, Hong Kong and Chile, among others in Asia, South America and Africa.

It has been demonstrated that there is no way to produce fur without suffering of animals, whether these are trapped or intensively farmed. Therefore, Beauty Without Cruelty is joined by the World Society for the Protection of Animals and most other animal defense societies in working to make the wearing of fur socially unacceptable. Status symbols are matters of opinion, and this opinion is rightly rejected by mounting numbers of our population.

Ethel Thurston

Ethel Thurston Ph.D.
U.S.A. Chairperaon

A Persian lamb with mother.



The same lamb, bled and skinned with a pocket knife.

Pictures by the New York Times and by David Whiting for Beauty Without Cruelty.

So many people say they love animals, yet wear dead ones on their backs in the name of glamor.

Wearing fur is a mark of ignorance or indifference.

Beauty Without Cruelty International

was organized:

1. to educate the public with facts.
2. to provide information about substitutes.

I want to combat cruelties in fashion and subscribe to the Beauty Without Cruelty magazine.

Membership	$10.00
Student & Senior	$ 5.00

Name______________________________

Street______________________________

City______________State________ Zip________

mail to:

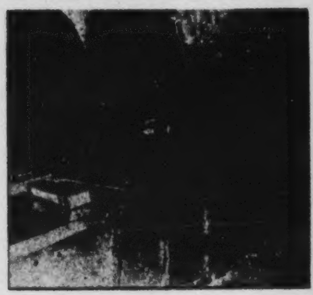
Beauty Without Cruelty
175 West 12th Street
New York, N.Y. 10011

Please Excuse Me For Approaching You.

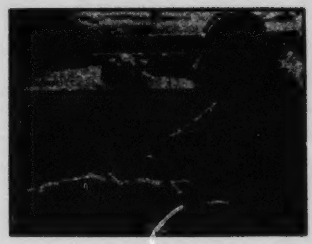
I see you are wearing fur. I wonder if you know how furs are obtained.

Why do these little minks have their heads in jars?

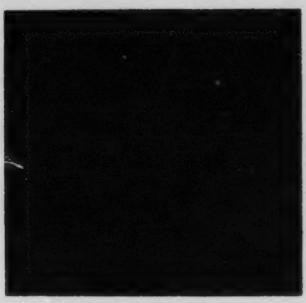
They are being killed to make coats for men and women.



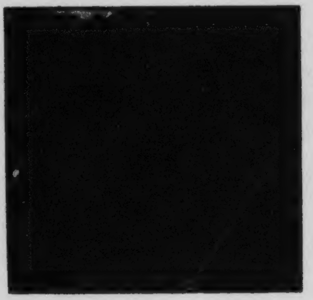
One method of killing minks is to place the animal in a box, then pour in chloroform. Done by untrained help, this method can distress and hurt the animal. When the struggling stops, the mink is removed from the box and his head is squeezed into a jar. Administered this way, such death is painful.



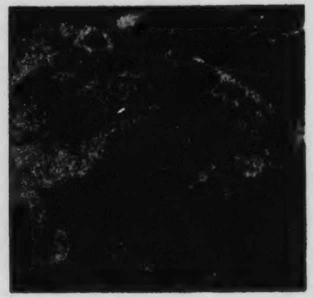
The skinning machine. The photographer saw one of the minks on the shelf behind still vomiting, only half dead.



How ranched minks' skinned bodies end up.



The last mink, in his small cage, is waiting for his fate.



Rabbit in leg-hold trap with compound fracture.

Millions of furred animals are "ranched"—that is, raised in captivity. The word "ranch" conjures up a picture of free and open space, whereas fur ranches could be located at 42nd Street and Broadway! The animals are usually kept for their short lives in very small wire-bottomed cages (an average cage for mink is 10 by 12 by 24 inches) and crowded into rows of sheds. Massive frustration of natural instincts causes motions that are painful to watch. About half of today's minks are mutations which are strongly disposed to serious chronic diseases, including bleeding membranes, painfully deformed sex organs, total deafness, or a constant nervous habit of jerking their heads. Knowledgable people believe that ranched furs constitute an even greater cruelty than trapped ones. The animals are killed as cheaply as possible by home-made electrocution boxes, painful gassing, cyanide, decompression, or cheap injection by unskilled employees. The fur market is highly competitive, and expensive, humane euthanasia is not a priority.

Besides ranching, tens of millions of animals are caught every year in traps which slam shut, holding them by one leg. The leg is always badly mangled, often broken with flesh torn. The little animal struggles, terrified, and tries to free himself by biting at the hard, cold metal. He may lie there for weeks, since there is no possible way to enforce regular checking of trap lines.

Animals often starve, freeze, or are attacked by predators. Some animals, especially females with dependent young, gnaw off their trapped feet to escape. They rarely survive long with this injury.

Other animals are caught in snares which strangle them or hang them by one leg. Water animals are caught in traps which drown them. After careful study, it has been found that the so-called "instant kill" traps sometimes take hours to kill or mutilate without killing.

When you buy a fur coat, if it is beaver, coyote, ermine, fisher, fox, lynx, marten, muskrat, opossum, otter, rabbit, raccoon, skunk, squirrel or wolf, the likelihood is that the fur came from an animal that was trapped.

88,107 Canadian seal pups and adults were scheduled to be clubbed in 1983. After ten years of inquiry, there is still no official agreement as to whether many of these seals are still conscious when skinned.

It has been confirmed that some animals on foreign continents are killed by insertion of a red hot metal rod in the anus

Do you want to cause such suffering? Of course you don't. But buying or even wearing fur encourages and subsidizes all of this. It is well known by now that synthetic furs provide as much warmth as real furs. Many arctic explorers wear quilted parkas or fake furs in sub-zero temperatures.

Today's woman who is compassionate as well as stylish does as Brigitte Bardot, Betty White, Gretchen Wyler, Doris Day, Marcia Pearson and many other celebrities do—refuse to have fur items in their wardrobe.

The aim of this appeal is to awaken your conscience to the inconceivable agonies which are not told you by your furrier. The horror and destruction will only stop when the public stops buying fur.

If you are not wearing fur, but instead one of the excellent make-believe furs, please excuse my mistake.

June 11th, 1984

Subcommittee on Health and the Environment
Rayburn House Office Building
Independence Avenue & South Capitol Street SW
Washington DC 20515

Dear sirs;

This is a written testimony in favour of H.R. 1797, a bill to end the use of steeljaw leghold traps.

The subcommittee must be aware of the agony which the trap causes. Animals biting their own legs off. Animals waiting in fear, frozen and starved, for someone to "visit" the trap only to be clubed to death. Up to 75% of the animals caught in leghold traps are not of the species intended, a cruel inconsiderate waste which is inconsistant even with the deathly purpose of trapping.

Trapping is exploitation for profit: Exploitation of animals in a cruel and most extreme form as well as exploitation of rural lower income families. The poor are encouraged to torture and kill, for extra income, in order to produce fur coats which only a small percentage of the population could ever afford.

We must come to the point where Wildlife Management is directed not only towards consumption (trappers etc.) but towards keeping and protecting the environment for its own sake and for the majority of the public (which is non-consumptive). A Yale University study shows that 78% of the population oppose trapping, surely the subcommittee will not defy the people's voice.

It is time to stop wildlife mismanagement. Prohibiting the commerce of the leghold trap is in the public interest. It is time to cater to those of us who do not kill,torture and exploit and who can live in peace with our environment.

Avi Magidoff
Leah Magidoff
John Straub
Ilene Jacobson

New York, NY

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450 N. Sunny Slope Rd.
Brookfield, Wis. 53005

June 11, 1984

The Honorable Henry A. Waxman, Chairman
Subcommittee on Health and the Environment
House Committee on Energy and Commerce
512 House Annex #1
Washington, D. C. 20512

Dear Congressman Waxman:

As a 39-year-old educational organisation representing the mink and fox farmers of the United States, we wish to state our opposition to HR 1797, which would directly affect commerce in wild furs.

It might seem that men and women who produce mink and fox furs on family farms from coast to coast might see economic benefits to them in the elimination of wild furs from the market place. This is far from the truth. The fur industry cannot survive without having both wild and farm-raised furs. Any penalty or restriction imposed on the movement of wild furs would directly affect adversely the market for farm-raised furs. Passage of HR 1797 doubtless would foster further legislation which would ban the movement of farm-raised furs.

Mink have been raised on U. S. farms since 1861, foxes since early in the 20th century. Family fur farms extend from coast to coast, including your State of California. In addition, mink and fox farms consume yearly millions of dollars worth of agricultural and industrial byproducts, including otherwise valueless poultry and fish offal from California. Increasingly, the mink is being used as a research model for the study of certain serious human health problems, including human infertility and unknown viruses. Important work in this area is conducted in California.

More than 62% of U. S. mink fur is exported, contributing some 94 million dollars annually to this Nation's crucial balance-of-payments. Our farmers believe strongly in and support conservation and the humane treatment of animals. Any action which threatens one segment of the American fur industry threatens all the others, including family fur farming. The Departments of Agriculture and Commerce can attest to the economic importance of U. S. family fur farms.

Thank you for considering this statement of our opposition to HR 1797.

Cordially,

Bruce Smith
Bruce W. Smith
Administrative Officer

People for Animal Rights
148 W Beard Ave.
Syracuse, NY 13205
478-8521, 475-0062

June 12, 1984

Rep. Waxman, Chair
Subcommittee on Health & the Environment
Rayburn House Office Bldg. Room 2415
Independence Av. & South Capitol St. SW
Washington, DC 20515

Dear Rep. Waxman:

People for Animal Rights (PAR) of Syracuse, New York is pleased that you are holding hearings on H.R. 1797, which would place restrictions on the use of the steel leghold trap. We support the bill.

We are a grassroots organization in upstate New York which began in the fall of 1982 around the issue of the steel leghold trap. PAR opposes the mutilation or killing of animals for sport or profit. We find it particularly repugnant that young children are recruited as the next generation of trappers with the assistance of tax-funded entities, such as the NYS Department of Environmental Conservation and Cooperative Extension.

Although upstate New York is a trapping area, we have received considerable public support for our campaign against the trap. A recent aspect of our campaign has been to collect signatures on petitions (sample petition enclosed). In a few weeks, we collected almost 1,000 signatures.

Please include our statement and the attachments in the record. Thank you.

We will be following this legislative matter with great interest.

Attachments:
copies of letters from professionals against the steel leghold trap
sample petition

Institute of Human Origins
2700 Bancroft Way
Berkeley, California 94704
(415) 845-0333
(415) 845-0334

Director Dr. Donald C. Johanson

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[illegible] Ph.D. Assistant Secretary
[illegible] Assistant Secretary

Board of Directors
[illegible]

January 3, 1983

Dr. George D. Whitney
Oakwood Road
Orange, Connecticut 06477

Dear Dr. Whitney,

Many thanks for your kind letter of December 6, in which you comment on my "Nature" series. It has been a very rewarding venture for me since I have always been avidly interested in natural history since I was a child growing up in Hartford.

There are few devices as brutal as the steel jawed leghold trap. I find it absolutely unbelievable that it is still in common, widespread use, especially by people who show such compassion for other aspects of life. There can be no doubt, whatsoever, that such devices inflict serious and miserable pain to those animals which become trapped in the devices. I have seen animals in pain and heard them scream out on the African savanna. Yes, animals feel pain and agony, just as we do. Let those proponents of the trap allow their springer spaniel to become trapped and ask them if animals experience pain. No, such use of these cruel traps should cease, they are antiquated, barbarian and totally inhumane.

I cannot agree with you more strongly, the steel jawed leghold trap is a menace. It is unacceptable to me to know that such devices are waiting to injure, maim or kill some poor animal. After all we are only animals ourselves, one with big brains who should be able to see the vile nature of such devices.

Please feel free to quote me in your campaign. My best wishes for the New Year.

Sincerely yours,

Donald C. Johanson, Ph.D.
Director

NEW YORK ZOOLOGICAL SOCIETY

New York Zoological Park
New York Aquarium

Bronx Zoo
Bronx, New York 10460
Telephone (212) 220-5100

Animal Research and Conservation Center
Osborn Laboratories of Marine Sciences

May 24, 1982

Dr. George D. Whitney
Oakwood Road
Orange, Ct. 06477

Dear Dr. Whitney:

I am most sympathetic with your stand against the use of leg-hold traps in the State of Connecticut. In the past years I have testified in New York State against their use, but the trappers and fur dealers have always won their case.

I have always argued that trapping is non-selective. Even experienced trappers will agree that many non-target species are frequently caught and killed. This loss of life can be especially significant when diminishing species are involved.

The most tragic aspect of trapping, however, is the torment and suffering trapped animals must endure before dying or being killed by their captors. I am acutely aware of the anxiety and fear wild animals can feel when captured in leg-hold traps by my fourteen years of experience dealing with over one hundred thirty species of mammals. They react in a way which is entirely foreign to domestic animals unless they are severely injured or badly frightened. This emotional distress is significant enough, but the greater sensitivity of many of these animals to painful physical stimuli is even more significant. I would never agree with the argument that "lower" mammals are less responsive to painful stimuli. In the many cases I have seen involving injured or trapped wild animals, they respond acutely and severely to physical insult. They cry out in pain, they bite or lick the painful area, and when they cannot relieve their suffering, they lie quietly while becoming more and more depressed. Humans which would undergo a similar situation would react the same way, only other people would understand their anguish because of the words which would be uttered or screamed.

I hope that the State of Connecticut responds positively to our pleas, for they are the translations into words of the cries of our trapped friends.

Sincerely yours,

Emil P. Dolensek, D.V.M.

"On the question of whether animals feel pain, of course they do: any animal that did not would not live very long, would be unlikely to leave offspring, and would therefore be most unfit! Moreover, the nervous structures for sensing and responding to pain in other animals are very similar to our own.

"Therefore, in my opinion we would need the strongest possible justification for inflicting pain on them.

"It is often argued that trapping is required to prevent the continued increase in animal numbers, with the attendant economic and other threats to ourselves; and hence that any means justifies this end - including the use of an unquestionably painful, if efficient, trap like the leghold. I would argue that trapping is ineffective in controlling natural populations, because typically wild animal populations are effectively regulated by natural factors, including their own density, and do not go on increasing forever.

"The resilience of wild populations makes it very difficult to argue for a total ban on trapping, but it also means that it is nearly impossible to depress permanently a population by means of trapping. Thus, we can't justify using the leghold trap because it won't do the job any more than will another sort of trap.

"If by trapping we reduce populations to the size where they will grow quickly, then a lot of immature and presumably susceptible animals will enter the population each year. This would increase the likelihood of transmission by youngsters that have not had a chance to become immune. Extensive trapping may therefore aggravate rather than alleviate the spread of disease.

"In conclusion, populations usually are naturally regulated and do not go on increasing forever. Normally trapping will not provide permanent control of numbers, or even put a brake on the spread of disease. In the face of these conclusions, and knowing that animals are capable of suffering, we are scarcely justified in continuing to use a method of trapping that undoubtedly inflicts considerable pain."

John A. W. Kirsch
Associate Curator in Mammalogy
Museum of Comparative Zoology
Rm. 514
Harvard University
Cambridge, MA 02138

TO: COMMITTEE ON CONSERVATION AND RECREATION
ONONDAGA COUNTY LEGISLATURE

Trapper training courses should not be taught in tax funded facilities, such as the Cooperative Extension and Beaver Lake Nature Center.

Also, use of leg hold traps for the purposes of sport or profit should be banned in Onondaga County.

Please introduce legislative and/or administrative measures that would correct these inhumane practices.

Thank you.

1.____________________ ____________________
2.____________________ ____________________
3.____________________ ____________________
4.____________________ ____________________
5.____________________ ____________________
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7.____________________ ____________________
8.____________________ ____________________
9.____________________ ____________________

NORTH CAROLINA NETWORK FOR ANIMALS, Inc.
P.O. BOX 33565
RALEIGH, NC 27606
919 787 5190

15 June 1984

To: Members of Subcommittee on Health & the Environment

From: North Carolina Network for Animals, Inc.

Subject: H. R. 1797: Testimony for inclusion in permanent record of hearings

We are writing to strongly urge you to give H. R. 1797 a favorable report. Our members are very much against any form of leghold trap.

A Yale University study shows that at least 79 per cent of the American people oppose the leghold trap.

Trappers constitute a very small percentage of the population -- and few of these are "professionals," so that in effect there are a lot of amateurs out in the woods setting out devices which pose a real danger not only to "target" animals but also to many others, including domestic animals and livestock -- and for that matter, people.

In the name of democracy and decency, we respectfully request that you give this bill a favorable report.

Nancy B. Rich
President

Nancy B. Rich

THOMAS S. FOLEY
5TH DISTRICT, WASHINGTON

MAJORITY WHIP

VICE CHAIRMAN
COMMITTEE ON AGRICULTURE

CHAIRMAN, SUBCOMMITTEE
ON WHEAT, SOYBEANS AND
FEEDGRAINS

Congress of the United States
House of Representatives
Washington, D.C. 20515

OFFICES:
HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
AREA CODE 202, 225-2006

574 U.S. COURTHOUSE
SPOKANE, WASHINGTON 99201
AREA CODE 509, 456-4680

E. 12929 SPRAGUE
SPOKANE, WASHINGTON 99216
AREA CODE 509, 926-4434

28 W. MAIN
WALLA WALLA, WASHINGTON 99362
AREA CODE 509, 529-6111

July 30, 1984

Dear Mr. Chairman:

It has been brought to my attention that on Friday, August 3, your Subcommittee will be holding a hearing on H.R. 1797, legislation that would ban the use of leg-hold or steel-jaw traps on animals for commercial purposes.

In anticipation of that, I am enclosing correspondence I have received from my constituents, Mr. and Mrs. Brent B. Geary and Mr. and Mrs. Michael Gregory, and would respectfully request that if at all possible their views in support of this legislation be made a part of the hearing record.

With appreciation for your consideration of this request and with best personal regards.

Sincerely,

Thomas S. Foley
Member of Congress

The Honorable Henry Waxman, Chairman
Subcommittee on Health and the Environment
Committee on Energy and Commerce
United States House of Representatives
2418 Rayburn Building
Washington, D. C. 20515

East 3907 11th Avenue
Spokane, WA 99202
May 30, 1984

The Honorable Thomas Foley
United States House of Representatives
1201 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Foley:

We urgently request your cosponsorship and/or strong support of H.R. 1797 which is designed to ban the use of leghold traps on animals for commercial purposes. It is our understanding that H.R. 1797 is to be heard on June 11 in the Subcommittee on Health and the Environment and any and all supportive actions which you will take on behalf of the bill will be most appreciated.

Thank you, Congressman Foley, for your support of H.R. 1797.

Respectfully,

Brent & Roberta Geary

Brent B. Geary, M.S.
Roberta L. Geary

May 29, 1984

Congressman Thomas Foley
Longworth House Office Building, Suite 1201
Washington, D.C. 20515

Dear Mr. Foley:

Please do all within your power to support the passage of H.R. 1797, Clarence Long's bill which is aimed at ending the use of steel-jaw, leghold traps on animals in the United States for commercial purposes. We believe that this is a sound and humane piece of legislation and your efforts in its favor will be warmly appreciated.

Again, we urge your support of H.R. 1797.

Sincerely,

Michael & Nancy Gregory
E. 3410 13th Ave.
Spokane, WA 99202

SOUTHEASTERN SECTION
THE WILDLIFE SOCIETY

July 31, 1984

The Honorable Henry A. Waxman, Chairman
House Subcommittee on Health and
the Environment
2418 Rayburn House Office Building
Washington, D. C. 20515

Dear Representative Waxman:

The Southeastern Section of The Wildlife Society strongly opposes H.R. 1797 which is designed to eliminate the use of leg hold traps within this nation and abroad.

The Southeastern Section of The Wildlife Society is a professional organization made up of over 600 wildlife biologists and other wildlife professionals from fourteen southeastern states dedicated to sound management and conservation of our wildlife resources.

As wildlife professionals, we have a strong interest in insuring that the most effective means are available for managing this nation's wildlife. The leg hold trap is the most appropriate tool for the harvest and management of furbearers. In addition the leg hold trap is the most efficient means of capture of certain species of wildlife including fox, bobcat and coyote for research purposes. The leg hold trap is the only effective means to control many wildlife depredation problems. Over the last decade, the coyote has become increasingly abundant within the southern states. With this population increase, livestock predation by coyotes has increased in the South. Techniques to control coyotes out west such as aerial shooting and coyote getters would be ineffective in our southern habitats. The leg hold trap is the only tool that wildlife professionals can recommend for control of the coyote in the South. While there have been efforts to develop a substitute means of capturing animals, there is at this time no suitable substitute to the leg hold trap for capture of some types of animals.

Historically, states have been the regulatory authority over the management of resident wildlife. H.R. 1797 will remove from the states the primary, if not their only effective means to manage their wildlife resources. Therefore, state authority will be usurped if this bill is passed by Congress.

The Southeastern Section of The Wildlife Society believes it is a total mistake to either eliminate or restrict the use of the leg hold trap until such time as an effective, thoroughly field tested alternative is available.

As Natural Resources managers, we therefore urge your opposition to H.R. 1797. We request that this letter be placed to the hearing record.

If we can provide you with more detailed information or if you have any questions, please contact me.

Sincerely,

Joe Kurz, President
Southeastern Section
The Wildlife Society

CONSERVATION
EDUCATION
RESEARCH

MASSACHUSETTS AUDUBON SOCIETY
LINCOLN, MASSACHUSETTS 01773 · TEL. 617-259-9500

August 3, 1984
To Congressman Henry Waxman, Chairman
House Subcommittee on Health and the Environment

WRITTEN TESTIMONY OF H.R.1797

Submitted for the record by Dr. Gerard A. Bertrand, on behalf of
the Massachusetts Audubon Society

My name is Dr. Gerard A. Bertrand and I am pleased, as President of the Massachusetts Audubon Society, to present written testimony for the record regarding H.R. 1797 which proposes to further regulate steel jaw traps on animals in the United States and abroad.

The Massachusetts Audubon Society is the oldest and largest state-based environmental organization in the United States with a current membership of approximately 70,000 individuals. One of our major goals since our founding in 1896 has been to promote the wise and balanced stewardship of living natural resources throughout the Commonwealth of Massachusetts. We address this goal through strong advocacy, conservation, education and research efforts.

We do not oppose the wise use of living natural resources for human needs as long as such uses are humane, do not diminish renewable resources available for future generations, and as long as those uses do not lead to the degradation of natural ecosystems in the Commonwealth.

We have long been concerned that the steel jaw leghold trap is an inhumane means of harvesting furbearers and that this type of trap can frequently capture, injure, and even kill non-target species such as rare birds and mammals as well as domesticated animals. For these reasons, we supported state legislation passed by the Massachusetts General Court in 1973 prohibiting the use of steel jaw leghold traps on dry land except under very limited circumstances and in the water only if "all reasonable care is taken to insure that the mammal dies by drowning in a minimum length of time." These regulations also limit the use of conibear body-gripping traps. The use of conibear traps was restricted because they quickly kill trapped animals and their use on land would endanger non-target species; in the water, they are generally used to obtain muskrats in Massachusetts.

Experience with these state regulations has generally been favorable and the use of steel jaw leghold traps has been significantly limited in Massachusetts. We believe that H.R. 1797 would still further limit the use of such traps in Massachusetts and create continuing economic disincentives for their use. We belive, however, that the legislation should go further to discourage the use of conibear body-gripping traps in areas, especially on land, where they might endanger non-target wild and domesticated species.

An important function of H.R. 1797 is to make more humane methods of trapping furbearers economically viable and competitive in the marketplace. By restricting only one type of inhumane trapping device, the use of other, similar damaging devices may be inadvertantly encouraged. On the other hand, potentially humane modifications of existing traps, such as the "soft-grip" leghold traps currently being developed should not be discouraged if such traps can be proven to be humane. They may provide a potential viable alternative to the use of kill traps, such as the conibear, on land. A possible means of addressing the latter problem would be to clarify the definition of steel jaw leghold traps to exclude "soft-grip" traps from limiting regulations in the event that they can be proven to be humane.

Unfortunately, federal legislation in the wildlife area is often regarded by states as infringing upon their sovereign rights. Every effort should be made to reduce such potential areas of conflict because they encourage litigation which may reduce the effectiveness of the legislation. We suggest a provision should be added to H.R. 1797 allowing states to use steel-jawed leghold traps in those few cases where such traps must be used for emergency damage control, or for legitimate research purposes. We believe that such an exemption would reduce the "states' rights" issue and opposition in relation to the legislation.

In our opinion, H.R. 1797, with strengthening amendments as suggested above, would be a positive and workable approach to a continuing problem. We also believe that the use of more humane methods would greatly reduce the degree of public polarization around this issue, which has had negative impacts upon all sectors of the environmental/conservation community.

cc: Congressman Edward J. Markey
Congressman John J. Moakley
Congressman Edward P. Boland
Mr. John McLaughlin, Subcommittee Counsel
Ms. Christine Stevens, Society for Animal Protective Legislation

GAB:rf

AUGUST 6 1984.

Reference was made to the test of the EZYONEM trap by the N.Y.S.D.E.C.

A study was done in 1977 that was designed to prove that the steel trap was indispensible rather than to see if the leg snare was a feasible replacement.

I submit one of the actual traps used in the 1977 study and one of today's EZYONEMS for comparison.

In the test the original EZYONEM trap was modified without my consent or knowledge and in one phase a coon was held in the trap within a 4x4x8 wire cage and allowed to drage a thirteen (13) pound concrete block up the sides and around the cage. The people doing this test should have been charged with cruelty to animals. Many of the positive results of the EZYONEM were left out of the final write up.

Some years later after the EZYONEM had gone through many changes and a patent was pending, some of the people working for the N.Y.S.D.E.C. did publicly display photographs and literature in what I believe was a deliberate attempt to jeopardise the patent under the premature disclosure laws.

E.T.DAVIES

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 15570
BATON ROUGE, LA 70895

J. BURTON ANGELLE, SR
SECRETARY
[illegible]

EDWIN W. EDWARDS
GOVERNOR

August 9, 1984

WRITTEN STATEMENT OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES TO HOUSE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT ON HR1797, A BILL TO BAN LEGHOLD TRAPS

The Louisiana Department of Wildlife and Fisheries has legal responsibility and authority for the management of the renewable wildlife resources of the state. In Louisiana, legislation and active fur management date back to the early 1900's. As with all state wildlife agencies our Department's basic goal is the wise utilization of our fur resources through sound wildlife management principles.

This bill represents just the opposite and would eliminate the harvest and management of the fur resources and the industry in Louisiana as well as the rest of the United States. The State of Louisiana strongly opposes this bill.

Fur animals are harvested for a number of reasons including; the use of an economically valuable renewable resource, to reduce the spread of disease, and to protect wildlife habitat from over-utilization and damage.

The majority of the 2 million animals trapped annually in Louisiana are taken with leghold traps. This harvest, worth an average of $13 million annually and as much as $25 million in some years, provides a major portion of the income to over 6,000 families in coastal Louisiana. We license an average of 12,000 trappers each year. Louisiana continues to lead the nation in fur production.

Our vast coastal marshes and swamps are responsible for this tremendous productivity. This same wetland habitat serves as wintering grounds for millions of waterfowl each year and produces 1.5 billion pounds of fisheries products valued at hundreds of millions of dollars annually. Our coastal wetlands also provide habitat for numerous species of other wildlife.

An Equal Opportunity Employer

Muskrat and nutria when over-populated destroy thousands of acres of marsh vegetation by over-utilization. The leghold trap and the economic incentive of the fur industry help protect and maintain this extremely valuable wildlife habitat. Commercial trapping with leghold traps reduces muskrat and nutria densities thus avoiding over-population. Through subsidence, natural erosion, saltwater intrusion, flood control and channelization we are losing coastal marshes. The passage of this bill would stop trapping by prohibiting leghold traps and the shipment of fur, thus destroying the fur industry. This inturn would allow severe marsh damage from over-population of furbearers and accelerate the loss of wetland habitat.

This bill is based on misguided emotion and in no way can be considered wildlife conservation. The management of resident wildlife resources must remain at the state level where professional biologists are collecting data and making decisions based on local conditions.

The Louisiana Department of Wildlife and Fisheries strongly opposes this legislation and asks that you consider carefully the unacceptable consequences of the bill.

J. Burton Angelle

J. Burton Angelle
Secretary

8/9/89
Date

DEPARTMENT OF
INLAND FISHERIES AND WILDLIFE
284 STATE STREET
STATE HOUSE STATION 41
AUGUSTA, MAINE 04333

GLENN H. MANUEL
COMMISSIONER

NORMAN E. TRASK
DEPUTY COMMISSIONER

August 9, 1984

The Honorable Olympia J. Snowe
133 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Snowe:

I am writing to express my concern with H.R. 1797, a bill to end the use of the steel jaw foothold traps on animals in the United States and abroad. S. 2389 is a similar bill in the senate. Trapping is part of our Maine heritage and provided income of nearly one million dollars per year to 5000 licensed Maine trappers the last two years. At this time, there is no suitable substitute for the foothold trap for capturing many species. Without this tool, we will be unable to manage and harvest furbearer populations and control wildlife damage. In addition, much of our research to ensure the welfare of furbearer populations requires the use of foothold traps to capture, mark, and release unharmed the individuals studied.

Hearings were scheduled for H.R. 1797 for August 3rd. With over 100 sponsors, this bill is a serious challenge to those states who continue to manage and rely on renewable natural resources. I ask you to join me in opposing this legislation. If appropriate, please have this letter entered as part of the hearing record.

If you have questions, or if I can help in any way, please contact me.

Sincerely,

Glenn H. Manuel

Glenn H. Manuel, Commissioner
Inland Fisheries and Wildlife

GHM/wb

North Dakota Chapter

THE WILDLIFE SOCIETY

August 14, 1984

Honorable Henry A. Waxman, Chairman
House Subcommittee on Health and the Environment
2418 Rayburn House Office Building
Washington, D. C. 20515

Dear Representative Waxman:

The North Dakota Chapter of The Wildlife Society is comprised of over three hundred professionals in the fisheries, wildlife, and natural resource field. Our members include biologists, educators, and natural resource agency administrators employed by State, Federal and private organizations.

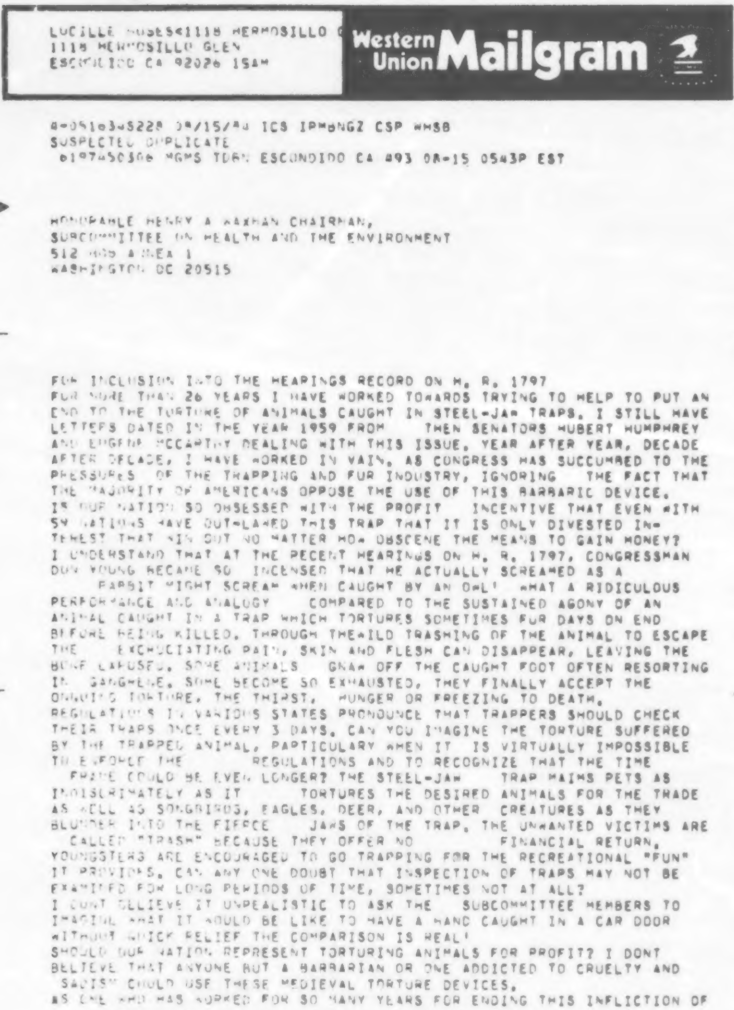
The North Dakota Chapter of The Wildlife Society is opposed to H. R. 1797, a bill to prohibit the shipment of leghold traps and the shipment of all furs of animals taken in leghold traps. Trapping is an effective and popular method for managing and using the Nation's wildlife resources. Trapping with leghold traps allows for the harvest of furbearer populations, provides a measure of control of wildlife damages, and provides economic benefits to the many thousands of individuals who trap.

Please include this letter in the hearing record. If the North Dakota Chapter of The Wildlife Society can provide any further information on this issue, please contact me.

Sincerely,

Mike McEnroe

Mike McEnroe, President
North Dakota Chapter of
The Wildlife Society



LUCILLE MOSES<1118 HERMOSILLO G
1118 HERMOSILLO GLEN
ESCONDIDO CA 92026 15AM

Western Union Mailgram

4-0510634S228 08/15/84 ICS IPMBNGZ CSP WHSB
SUSPECTED DUPLICATE
0197450306 MGMS TDBN ESCONDIDO CA #93 08-15 0543P EST

HONORABLE HENRY A WAXMAN CHAIRMAN,
SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT
512 HOB ANNEX 1
WASHINGTON DC 20515

FOR INCLUSION INTO THE HEARINGS RECORD ON H. R. 1797

FOR MORE THAN 26 YEARS I HAVE WORKED TOWARDS TRYING TO HELP TO PUT AN END TO THE TORTURE OF ANIMALS CAUGHT IN STEEL-JAW TRAPS. I STILL HAVE LETTERS DATED IN THE YEAR 1959 FROM THEN SENATORS HUBERT HUMPHREY AND EUGENE MCCARTHY DEALING WITH THIS ISSUE. YEAR AFTER YEAR, DECADE AFTER DECADE, I HAVE WORKED IN VAIN, AS CONGRESS HAS SUCCUMBED TO THE PRESSURES OF THE TRAPPING AND FUR INDUSTRY, IGNORING THE FACT THAT THE MAJORITY OF AMERICANS OPPOSE THE USE OF THIS BARBARIC DEVICE.

IS OUR NATION SO OBSESSED WITH THE PROFIT INCENTIVE THAT EVEN WITH 59 NATIONS HAVE OUT-LAWED THIS TRAP THAT IT IS ONLY DIVESTED INTEREST THAT WIN OUT NO MATTER HOW OBSCENE THE MEANS TO GAIN MONEY?

I UNDERSTAND THAT AT THE RECENT HEARINGS ON H. R. 1797, CONGRESSMAN DON YOUNG BECAME SO INCENSED THAT HE ACTUALLY SCREAMED AS A RABBIT MIGHT SCREAM WHEN CAUGHT BY AN OWL! WHAT A RIDICULOUS PERFORMANCE AND ANALOGY COMPARED TO THE SUSTAINED AGONY OF AN ANIMAL CAUGHT IN A TRAP WHICH TORTURES SOMETIMES FOR DAYS ON END BEFORE BEING KILLED. THROUGH THEWILD TRASHING OF THE ANIMAL TO ESCAPE THE EXCRUCIATING PAIN, SKIN AND FLESH CAN DISAPPEAR, LEAVING THE BONE EXPOSED. SOME ANIMALS GNAW OFF THE CAUGHT FOOT OFTEN RESORTING IN GANGRENE. SOME BECOME SO EXHAUSTED, THEY FINALLY ACCEPT THE ONGOING TORTURE, THE THIRST, HUNGER OR FREEZING TO DEATH.

REGULATIONS IN VARIOUS STATES PRONOUNCE THAT TRAPPERS SHOULD CHECK THEIR TRAPS ONCE EVERY 3 DAYS. CAN YOU IMAGINE THE TORTURE SUFFERED BY THE TRAPPED ANIMAL, PARTICULARY WHEN IT IS VIRTUALLY IMPOSSIBLE TO ENFORCE THE REGULATIONS AND TO RECOGNIZE THAT THE TIME FRAME COULD BE EVEN LONGER? THE STEEL-JAW TRAP MAIMS PETS AS INDISCRIMATELY AS IT TORTURES THE DESIRED ANIMALS FOR THE TRADE AS WELL AS SONGBIRDS, EAGLES, DEER, AND OTHER CREATURES AS THEY BLUNDER INTO THE FIERCE JAWS OF THE TRAP. THE UNWANTED VICTIMS ARE CALLED "TRASH" BECAUSE THEY OFFER NO FINANCIAL RETURN.

YOUNGSTERS ARE ENCOURAGED TO GO TRAPPING FOR THE RECREATIONAL "FUN" IT PROVIDES. CAN ANY ONE DOUBT THAT INSPECTION OF TRAPS MAY NOT BE EXAMINED FOR LONG PERIODS OF TIME, SOMETIMES NOT AT ALL?

I DONT BELIEVE IT UNREALISTIC TO ASK THE SUBCOMMITTEE MEMBERS TO IMAGINE WHAT IT WOULD BE LIKE TO HAVE A HAND CAUGHT IN A CAR DOOR WITHOUT QUICK RELIEF THE COMPARISON IS REAL!

SHOULD OUR NATION REPRESENT TORTURING ANIMALS FOR PROFIT? I DONT BELIEVE THAT ANYONE BUT A BARBARIAN OR ONE ADDICTED TO CRUELTY AND SADISM COULD USE THESE MEDIEVAL TORTURE DEVICES.

AS ONE WHO HAS WORKED FOR SO MANY YEARS FOR ENDING THIS INFLICTION OF

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

PAGE 2

Western Union Mailgram

TORTURE OF WILD AND DOMESTIC ANIMALS STILL COMMITTED IN OUR COUNTRY-I APPEAL TO ALL MEMBERS OF THE SUB COMMITTEE TO QUICKLY PASS OUT AN AFFIRMATIVE VOTE ON HR1797

LUCILLE MOSES
1119 HERMOSILLO GLEN
ESCONDIDO CA 92026

17:46 EST

MGMCOMP

AMUSEMENT PARK SAFETY

MONDAY, AUGUST 6, 1984

House of Representatives,
Committee on Energy and Commerce,
Subcommittee on Health and the Environment,
Washington, DC.

The subcommittee met, pursuant to call, at 9:50 a.m., in room 2322, Rayburn House Office Building, Hon. Henry A. Waxman (chairman) presiding.

Mr. Waxman. The subcommittee will please come to order.

Today the subcommittee will receive testimony on legislation to restore jurisdiction of the Consumer Product Safety Commission over rides located in amusement parks.

Each year millions of Americans enjoy the thrills and entertainment of amusement parks. They are thrown, juggled, and spun—often at speeds and velocity that would challenge an astronaut.

These rides vary in their complexity. They can range from the simple water slide to the most sophisticated rollercoaster. The public enjoys these rides under the assumption that they are safe, that they are well maintained and their operators experienced. This is not an unreasonable expectation. It is one which amusement park operators certainly share.

Our concern today is that even at our finest amusement parks accidents can—and have—tragically happened. It is in the public's interest and certainly that of amusement park owners that these risks be minimized.

The subcommittee has been troubled for several years about a loophole in Federal law regarding the safety of amusement park rides. The Consumer Product Safety Act provides that Federal jurisdiction over amusement park rides is limited to rides located in traveling circuses or carnivals. Rides located in amusement or theme parks are exempt from Federal regulation.

This is a dangerous legal anomaly. The Consumer Product Safety Commission could order a defective ride repaired if it were located in a traveling circus. The agency would be prohibited from having the same ride repaired if it were located in an amusement park.

If the owner of a carnival ride believes it may contain a defect which could create a substantive product hazard he is required to report to the CPSC. The owner of an identical ride, containing the same defect, would have no obligation to report if the ride was located in an amusement park.

This distinction is illogical. It does not enhance consumer safety.

Summer is the amusement park's biggest season. More Americans will visit amusement parks, and patronize their rides than at any other time of the year. It is critical to the success of this industry that consumers maintain their confidence in the safety of amusement park rides.

Exempting amusement park rides from even the most minimal level of Federal safeguards does not heighten consumer confidence or trust.

Without objection, copies of H.R. 5788, H.R. 5790, and H.R. 5982 will be printed in the record at this time.

[The text of H.R. 5788, H.R. 5790, and H.R. 5982 follows:]

I

98TH CONGRESS
2D SESSION

H. R. 5788

To amend the Consumer Product Safety Act to make that Act applicable to amusement devices permanently fixed to a site.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1984

Mr. PORTER introduced the following bill; which was referred to the Committee on Energy and Commerce

---

A BILL

To amend the Consumer Product Safety Act to make that Act applicable to amusement devices permanently fixed to a site.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052) is amended (1) by striking out ", and which is not permanently fixed to a site" and inserting in lieu thereof "and which is permanently or not permanently fixed to a site", and (2) by striking out the sentence beginning "Such term does not include".

○

I

98TH CONGRESS
2D SESSION

H. R. 5790

To amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement devices.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1984

Mr. SIMON (for himself and Mr. HYDE) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

A BILL

To amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement devices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052) is amended—

(1) by striking out "Such term includes" and inserting in lieu thereof "Such term includes, except for purposes of sections 7 and 8,";

(2) by striking out ", which is customarily" and inserting in lieu thereof "and which is customarily";

(3) by striking out ", and which is not permanently fixed to a site"; and

(4) by striking out the sentence beginning "Such term does not include".

(b) Section 16(a) of such Act (15 U.S.C. 2065(a) is amended by adding at the end the following: "Officers and employees of the Commission may make inspections under this subsection with respect to amusement devices permanently fixed to a site only if the government of the State in which such inspections would be carried out does not have the authority to make such inspections.".

SEC. 2. Section 16(a) of such Act is further amended by inserting "(1)" after "(a)" and by adding at the end the following:

"(2) Officers and employees duly designated by the Commission may inspect, at reasonable times and in a reasonable manner—

"(A) the site of any accident in which there was personal injury and which involved a consumer product, and

"(B) any consumer product involved in such an accident.

Such an inspection may only be made upon presenting appropriate credentials and a written notice from the Commission to the owner, operator, or agent in charge of the site or product to be inspected. Each such inspection shall be commenced and completed with reasonable promptness.".

○

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98TH CONGRESS
2D SESSION

H. R. 5982

To amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement parks.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1984

Mr. GUARINI introduced the following bill; which was referred to the Committee on Energy and Commerce

---

A BILL

To amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement parks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052) is amended—

(1) by striking out ", which is customarily" and inserting in lieu thereof "and which is customarily";

(2) by striking out ", and which is not permanently fixed to a site"; and

(3) by amending the sentence beginning "Such term does not include" to read as follows: "Such term

also includes any amusement building or other facility which is located on the same premises as an amusement device described in the preceding sentence.".

SEC. 2. (a) Section 16(a) of such Act (15 U.S.C. 2065(a)) is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and by striking out the last sentence and inserting in lieu thereof the following:

"(3) to inspect, at reasonable times and in a reasonable manner, amusement devices described in section 3(a)(1) and amusement buildings or other facilities located on the same premises as such devices.

Each such inspection shall be commenced and completed with reasonable promptness.".

(b) Such section is further amended by inserting "(1)" after "(a)" and by adding at the end the following:

"(2) Officers and employees duly designated by the Commission may inspect, at reasonable times and in a reasonable manner—

"(A) the site of any accident in which there was personal injury and which involved a consumer product, and

"(B) any consumer product involved in such an accident.

Such an inspection may only be made upon presenting appropriate credentials and a written notice from the Commission to the owner, operator, or agent in charge of the site or product to be inspected. Each such inspection shall be commenced and completed with reasonable promptness.".

○

Mr. Waxman. We have legislation pending introduced by Congressman Frank Guarini from the State of New Jersey, who is a Congressman representing the district where one of the worst amusement park tragedies took place, at the haunted house. He has introduced H.R. 5982 and has asked us to put his statement in the record. He could not be with us today.

Without objection, that will be the order.

[The prepared statement of Mr. Guarini follows:]

TESTIMONY OF HON. FRANK J. GUARINI

It is a pleasure to give testimony to the Subcommittee on Health and the Environment on the subject of amusement park safety. I want to thank this subcommittee for holding a hearing on this issue, and I want to expressly thank the distinguished chairman of this subcommittee, Mr. Waxman, for inviting me to testify.

After reviewing the facts it is clear to me that it is vital for the Consumer Product Safety Commission to regain the authority it lost in 1981 to inspect fixed-site amusement centers. I have introduced legislation, H.R. 5982, to extend CPSC jurisdiction to fixed-site amusement facilities, and to allow this independent agency the ability to inspect both amusement devices and amusement facilities on the premises of these parks.

Each year tens of millions of Americans attend amusement and theme parks. They are a prime attraction for millions of children and teenage Americans. When families enter these parks they have the right to expect the safest possible environment. And yet, this is often not the case.

On May 11, the haunted castle at Six Flags Great Adventure in Jackson, New Jersey caught fire. The castle, a series of trailers, burned to the ground killing eight area teenagers. While this is the most serious catastrophe at an amusement center, it is not an isolated incident. In 1982, the Consumer Product Safety Commission reported 12,384 injuries at amusement parks.

The shocking incident at Great Adventure did cast light on the uneven patchwork of State and local ordinances that apply to amusement parks around our country. As we know, at the present time there are no Federal safety standards or Federal inspection of fixed-site amusement attractions. Since this authority was removed from the jurisdiction of the Consumer Product Safety Commission in 1981, injuries at these parks have increased by fifty percent.

What we have in place are State and local regulations that vary from area to area. Of special note is the fact that due to the space requirements for large-scale amusement parks they are often located in sparsely populated areas. The local communities find themselves overwhelmed in handling the responsibilities of policing the safety of these centers.

To make matters worse, thee are 27 States that do not require any special inspection of amusement rides. Those thousands of injuries and many of the recent deaths, might have been prevented if Consumer Product Safety Commission inspections were able to inspect the rides and attractions for mechanical or safety flaws.

Current law does not fully protect the rights of visitors to these parks. It is urgent that we act to substantially strenghthen the authority of the Consumer Product Safety Commission in this area. We must reestablish the authority of the Consumer Product Safety Commission to inspect fixed-site amusement parks such as Great Adventure. Also, in order to prevent the type of tragedy that occurred at Great Adventure on May 11, we must for the first time allow the Commission to inspect amusement buildings or facilities on park premises. Tragedies of that type must never be allowed to occur again.

Again, I thank the committee for their attention to this issue, and I appreciate whatever consideration you can give to H.R. 5982 and the matter of strenghthening consumer protections at amusement parks.

Mr. Waxman. Our first witness this morning is our colleague, Congressman Paul Simon. Congressman Simon is the author of H.R. 5790, a bill to expand the Consumer Product Safety Commission's authority to include amusement park rides. Before I recognize Mr. Simon, I want to see if Mr. Eckart wishes to make an opening statement.

Mr. Eckart. Thank you, Mr. Chairman.

I would like to get to Congressman Simon's statement as soon as I can. I am the father of a 4½-year-old son. I have put my son on some of those rides. They turned him upside down on more than one occasion. Sometimes it appeared they turned him inside out as well, by spinning him around and around. I suppose the least I expect is that my son will come back in the same condition he was in when I put him on the ride.

I share your concern, and Mr. Guarini's concerns. I applaud Mr. Waxman's holding these hearings because I have several parks in my district, attended by almost a million visitors last year. I think we owe to the parents who put their children on these rides some safety and predictability.

I look forward to your testimony.

Mr. **Waxman**. Thank you very much.

Mr. Simon, we are pleased to have you with us. We are going to put into the record, without objection, a statement by Representative John Porter who is the sponsor of H.R. 5788.

[Mr. Porter's statement follows:]

Testimony of
Congressman John E. Porter

For The Subcommittee on Health and The Environment
Committee on Energy and Commerce
United States House of Representatives
August 6, 1984

Mr. Chairman, thank you for the opportunity to present my testimony to your subcommittee. I commend your attention to this vital consumer protection issue.

On June 6, two bills were introduced to broaden the authority of the Consumer Product Safety Commission over amusement devices permanently fixed to a site. I introduced H.R. 5788 and my colleagues from Illinois, Mr. Simon and Mr. Hyde, introduced H.R. 5790. On June 29, the gentleman from New Jersey, Mr. Guarini, introduced a similar bill, H.R. 5982.

Although these three measures differ somewhat, they share the same objective. The intention of these bills is to improve the safety of amusement park rides and entertainment devices.

It is clear that the amusement ride industry has maintained a fairly high level of safety for their customers. It is also clear, however, that this record could be improved upon because the number of injuries on amusement rides is increasing rapidly along with the growing number of consumers attending theme parks.

Prudence suggests to me and my colleagues that it is necessary to return the responsibility for establishing and maintaining safety standards to the Consumer Product Safety Commission (CPSC). In my opinion, the CPSC should never have been stripped of this authority in 1981.

Some will argue that the responsibility for ensuring the safety of amusement rides ought to rest with the states. To counter that argument I simply point to the state's record of picking up where the federal government left off in 1981. Presently only 23 states have some type of legislation or regulation covering the operation of amusement rides. The number and type of inspections vary among each state. Some states require only insurance inspections, while others require only inspections of mobile rides.

At a May 10 public meeting at the CPSC with the amusement ride industry, Commissioners heard testimony by theme park owners that confirmed that inspections by state inspectors aren't thorough enough. They were told that insurance company inspectors may analyze only the structure of a ride, or, more often, only the safety systems. The testimony revealed that some states have strict guidelines and enforcement procedures and that others have lax and inadequate regulations. This inconsistency does not help protect the lives and safety of amusement park riders who are often out-of state tourists with no vioce in a state's safety regulations.

Because there exists no consistent and adequate monitoring of the safety of these rides, it is clear that we need a comprehensive solution to this issue. The Simon-Hyde bill, attempting to avoid regulatory duplication, only requires that the CPSC regulate amusement rides in states that do not already have regulations. But because these regulations vary from state to state, it is important to provide the CPSC the authority to regulate in all states.

I believe that the CPSC should undertake a thorough review of all state laws and develop a comprehensive standard to be applied throughout the country. States currently maintaining exceptional standards and enforcement practices should be exempt from federal regulations, and states which have no laws should be required to abide by federal standards.

The CPSC must be allowed to establish this foundation of safety to protect the public and to help improve the credibility of theme parks. Illinois consumers should be able to rely on the same safety standards as Florida consumers, and New Jersey citizens should not be subject to any greater danger than thrill-seekers in Texas, for instance.

In conclusion, I will lend my support to any comprehensive measure which emerges from the Subcommittee on Health. I hope that my efforts, and those of Congressmen Simon, Hyde and Guarini, will contribute to better safety standards and better enforcement of regulations covering stationary amusement rides.

Mr. Waxman. Let me indicate Congressman Ron Wyden, a member of this subcommittee, pushed unsuccessfully last year for legislation when we were reauthorizing the Consumer Product Safety Commission to restore the jurisdiction the agency once had to cover these parks.

We are pleased to have you with us.

STATEMENT OF HON. PAUL SIMON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Simon. I would like to enter my statement in the record and then just summarize it, if I may.

Mr. Waxman. Without objection.

Mr. Simon. And following my testimony I will introduce Jim Shaughnessy, on my right, who is a 15-year-old, who has gone through one of these accidents. And I think coming from the airport right now is the widower of someone who was killed in one of those accidents.

In the 1981 Budget Reconciliation Act, which I believe the three of us voted against, what happened in that act was a little provision in there that took away the jurisdiction from the Commission to inspect these permanent site amusement parks, approximately 520 of them in the Nation. I think most parents send their children to these parks, that 4½-year-old you are talking about—you send your children to these parks with the assumption that there is safety, that there is inspection. And let me assure you, as one who has been checking into this as a result of an accident in Illinois, that simply is not necessarily the case.

Approximately 6,000 injuries last year. There have been 10 or 12 deaths this year; my staff tells me 12, another report I read said 10. Either way you are talking about very, very substantial agony. You are talking about a doubling since 1980 of the injuries in this field. So Henry Hyde and I have introduced a bill which simply says the Federal Government will inspect if States don't have their own programs. We are not trying to move in with some kind of massive Federal program. We simply want to assure the public that they have some kind of inspection. And if you look at the map over here, the States in green have authorized inspection. You will notice the State of Ohio does authorize inspection. Illinois has just passed a bill.

The State in that kind of whatever it is, brownish, orange, California, over there, Mr. Chairman, inspects mobile rides only. Clearly not an adequate protection for the people of the State of California. And the two States that—with the gray, they have insurance inspections only.

The bill we have introduced also authorizes the Commission to go in and inspect wherever there is death or serious injury. The industry is in opposition to this, like every industry from the beginning of time. The coal mines didn't want to be inspected. The factories of this Nation didn't want to be inspected. No industry wants to volunteer to do this. But simply, the reality that they are going to be having some inspections has to improve the safety record, and I just think it is absolutely essential that we move ahead.

They will tell you that 86 percent—I will give you two interesting statistics. No. 1, they say more people are killed and injured playing billiards than in the amusement parks of this Nation. First of all, I doubt that statistic. But they include people who get in a fight over a billiards game and a variety of other things.

No. 2, they will say 86 percent of the amusement rides have some kind of inspection now.

First of all, even if that figure were accurate, that means 4 percent are not getting any kind of inspection. Second, that includes where an insurance industry does it, or the industry itself applies itself. It does not provide adequate protection for the public. You have some 24 manufacturers involved.

Clearly, we ought to get protection for the public. I think at this point if you have no immediate questions of me, I am just going to introduce Jim Shaughnessy, who is here with his parents. He is from LaSalle, IL. He and two of his friends were on a ride and they fell 60 feet in that ride.

Jim is fortunate to be here and I think Jim, if you can just tell your story here now and present your testimony.

[Mr. Simon's prepared statement follows:]

H.R. 5790/AMUSEMENT PARK SAFETY ACT

TESTIMONY OF REP. PAUL SIMON, M.C.
BEFORE THE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.
AUGUST 6, 1984

Mr. Chairman, I appreciate this opportunity to testify about this important issue of amusement park safety and the legislation that I have offered to encourage more diligent attention to this matter by the parties involved.

Several tragic accidents during the current amusement park season have pointed anew to a little-known fact: No federal agency bears oversight responsibility for public safety on these midways, and too few state agencies do, either.

During the votes on the 1981 budget reconciliation legislation in 1981, very few of us knew that, as a result of a successful lobbying effort, the amusement park industry won an exemption for itself from the oversight of the Consumer Product Safety Commission. Since that time, converage of traveling amusement attractions has remained, but not of fixed-site attractions like amusement and theme parks.

When we as parents take our children to these amusement parks we are invited to check our worries at the gate and enter the midway carefree. But it is hard to be carefree when there is mayhem on the midway that no agency is responsible for correcting. U.S. News & World Report last year reported that more than 25,000 patrons were injured in the previous two years at amusement parks. An insurance broker testified before the Consumer Product Safety Commission this year that the frequency and severity of accidents is mounting, and said his firm's loss ratio over the last three years is, to use his word, "astronomical." Mr. Chairman, several witnesses who will appear before you today will offer estimates and counter-estimates on the number of injuries and deaths occurring out there, but whether the casualties are tallied by the dozen or by the score, the critical questions before the subcommittee today should be these: Can we do better? Should we be doing better? I say that common sense and all the compelling evidence answers 'yes' on both counts.

Three points summarize the approach that my colleague Henry Hyde and I have taken in offering H.R. 5790:

(1) H.R. 5790 would authorize CPSC inspections at amusement parks in states that do not have their own inspection programs. Park patrons would then know that someone in authority is taking ultimate responsibility for their safety. This step would encourage states to do the job, while providing a backup when they do not.

(2) H.R. 5790 would authorize federal investigations, by the CPSC, of personal injury or fatality accidents in any state, whether or not it has an inspection program. This provision would make sure that something will be learned from every injury or death on an amusement ride and that these findings will be shared with other manufacturers, park operators and inspection agencies.

(3) H.R. 5790 would withhold from the CPSC the authority to draw up an industry-wide standard, giving the industry's own newly-developed voluntary standards a chance to prove themselves. This provision is not intended to limit in any way the authority we believe CPSC should have to propose and implement compliance orders to correct ride hazards.

The industry has said before that state and local inspections are better than federal inspections. That may be so, but federal inspections are certainly better than no inspections. The approach we suggest would encourage states to put into place their own inspection programs, with the CPSC backing them up with clearinghouse functions, and performing inspection duties only when states are not doing the job themselves. Several states have enacted inspection laws since the federal exemption for fixed-site amusements in 1981, and we expect that this legislation would strengthen that trend.

But even if states inspect their own amusement parks, the second part of our bill is needed to make sure that serious accidents are investigated, reports are filed, and all parties -- manufacturers, owners, operators, state and federal oversight agencies, the press and the public -- can benefit from the findings, so something can be learned from every one of these incidents.

No matter how good a state inspection program -- and some, like Maryland's, are very good -- no state has the responsibility, as the Consumer Product Safety Commission would under our bill -- to notify all other states and the industry when hazards are found.

Mr. Chairman, it comes down to this: Can we tolerate a system in which the only investigations of serious injuries on pieces of complex equipment -- equipment more complex than some aircraft -- are often done by the operators themselves? Would we put up with a system in which our airlines investigated their own accidents? Nonsense. And it adds up to the same nonsense for a theme park to be the sole investigator of its own personal injury accidents.

Mr. Chairman, in conclusion let me say that the public interest requires that we do one of two things: We can take firm action to improve inspection procedures, or we can require that the ticket stubs at these parks be clearly labeled: "Let the rider beware." I hope we will choose the first course.

Mr. WAXMAN. Would you speak right into the microphone so everybody can hear you.

STATEMENTS OF JAMES PATRICK SHAUGHNESSY, LaSALLE, IL; AND CARL H. HOLCOMB, INDIANAPOLIS, IN

Mr. SHAUGHNESSY. My name is James Patrick Shaughnessy. I am 15 years old and live in LaSalle, IL. To celebrate graduation from eighth grade, my entire class from LaSalle Catholic School worked to raise money to attend Marriott's Great America, an amusement theme park located in Gurnee, IL. Our class went to Great America on May 22, 1984. I had been to Great America prior to May 22, 1984, and was familiar with, but had never ridden, a thrill ride known as the Edge before. However, I was familiar with the Edge through advertising I had seen on television.

On May 22, 1984, our class was chaperoned by both teachers and parents. At approximately 11:30 a.m. myself and two of my classmates, Bob Sexton and Eric Bubelis, rode the Edge which was described by Marriott as "like nothing you had ever experienced before." Bob, Eric and myself were all excited about experiencing the thrill of this ride.

I have brought for your benefit today diagrams depicting the Edge. I have also brought for your benefit photographs of the Edge and a Xerox copy of a photograph depicting what the normal route of the Edge was to have been. Instead of the three of us taking the normal route, we had the experience of taking an abnormal route. The following is what occurred.

We got in the car and the car started to move backward into the chute as it was supposed to do. After getting in the chute, the car went straight up. The car was supposed to go approximately 90 feet up in the air and then go onto an edge and drop. However, as our car ascended approximately 80 feet in to the air, it came to a dead stop. We were stranded for approximately 10 minutes. During that period of time we observed that the car immediately before our car had stopped before it completed its run and the passengers were removed from the car with the help of Marriott personnel. It was at that point that we knew we were in real trouble and became frightened.

It was at this point that the three of us began to pray together. All of our fears were realized when we heard a single click and our car suddenly plunged downward with great speed and force onto the ride's loading platform. As a result of the impact, the seats of the car we were in buckled around us like papier-mache and the channel iron beams supporting the bottom of the platform bent in the middle. In addition, the metal bracket that supported the four seats of our car broke completely off. Part of the hard leather interior of the car also broke off and struck me in the face.

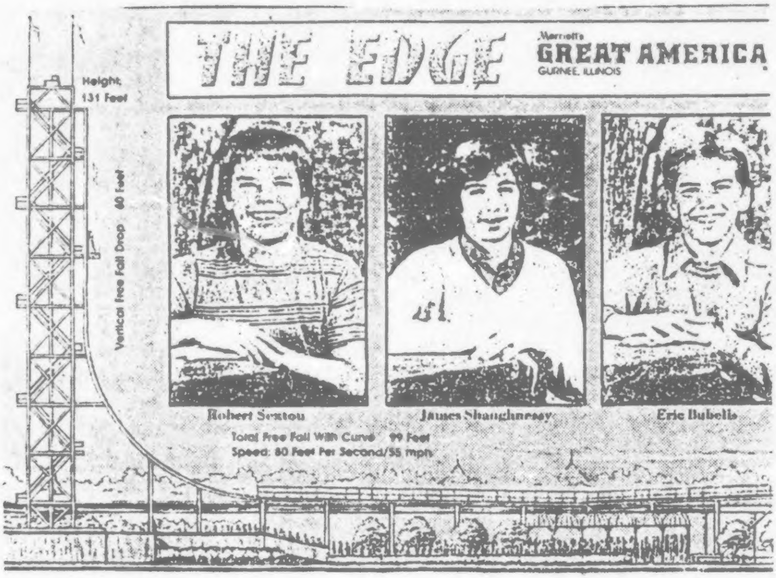
As a result of the impact, Bob, Eric, and myself suffered internal injuries and remained hospitalized for 5 days. Each of us are obviously thankful that we were neither killed nor suffered catastrophic injuries. The thought of what could have happened is an anguishing one. I have no desire to ever ride a thrill ride again. I am fearful of riding elevators today because of this experience.

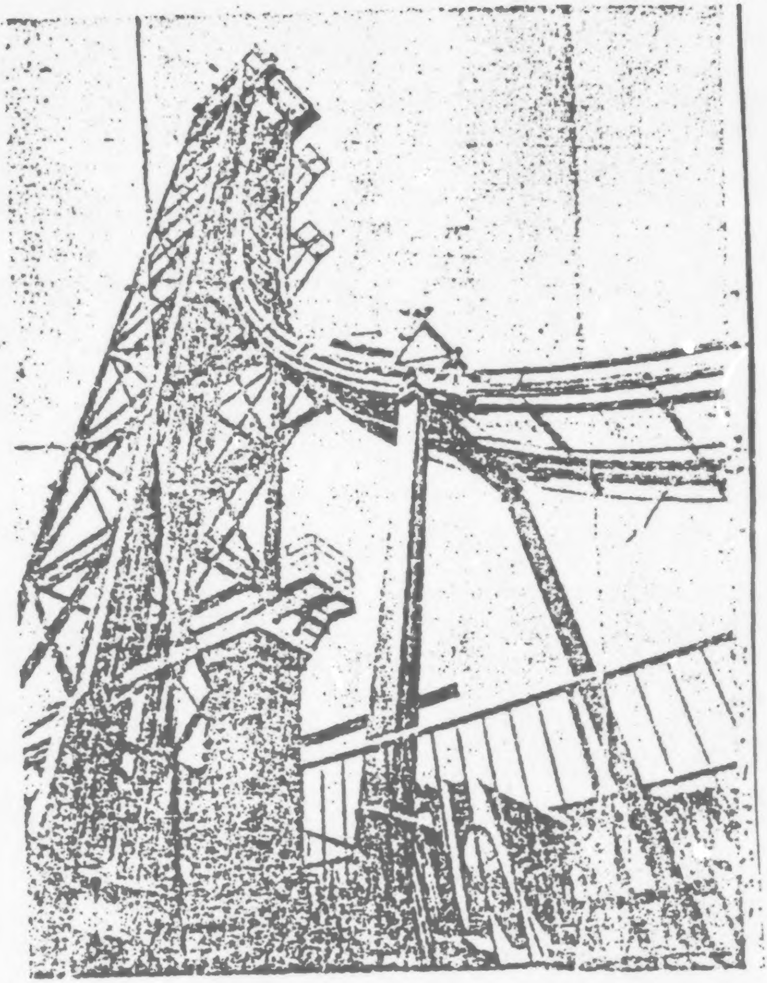
Since May 22, 1984, I have learned that the antiroll back braking system and other safety devices on this ride failed to operate properly at the time of our occurrence. Much to my surprise, I have also learned that there were no Federal, State, or local inspections of the Edge. My parents had assumed that routine safety inspections occurred by governmental authorities and that safety was a No. 1 priority in the operation of amusement and theme parks.

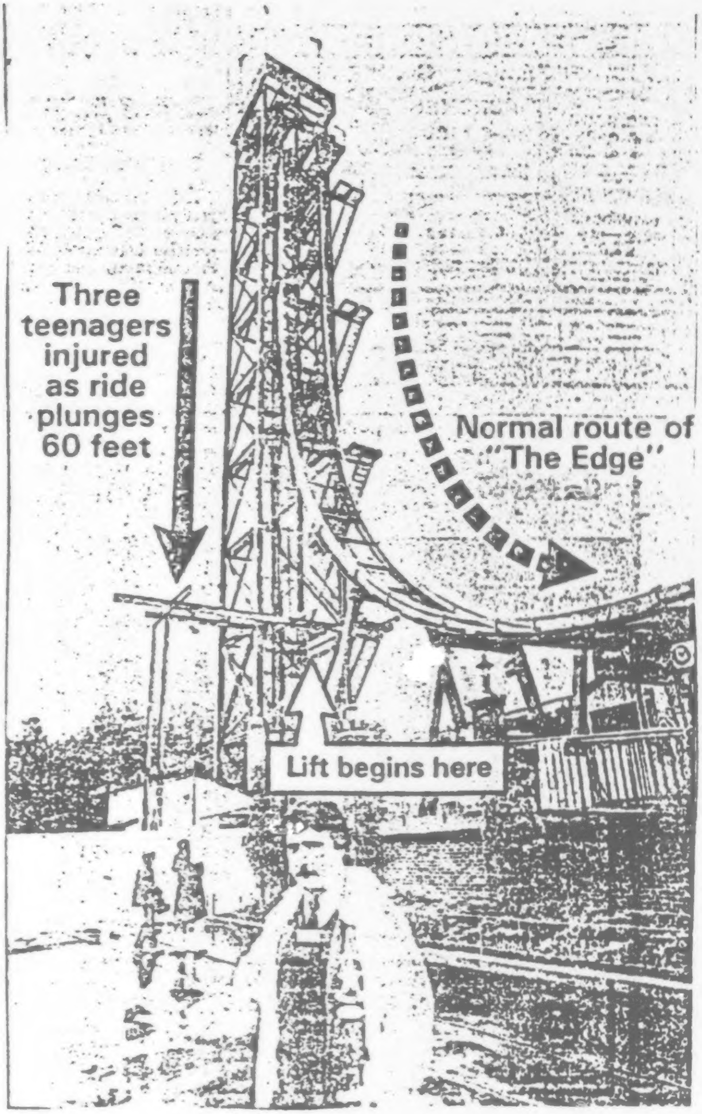
I have learned that on May 21, 1984, the day before the mishap I was involved in, Bruce Pinnler from Skokie, IL, and some of his friends had been stranded 10 to 15 minutes in midair while riding the Edge and that a group of students from Barrington High School were stranded on the Edge for 40 minutes. In addition, on May 20, 1984, several individuals were riding the Edge and experienced yet another malfunction.

Through the grace of God, I was fortunate. It is well-known that other thrill riders have not been fortunate. I appear before you today to urge you to recognize the need for Federal inspections of so-called thrill rides to insure that safety is uppermost in the minds of both the Government and the operators of amusement and theme parks. The Consumer Product Safety Commisison, if given the opportunity, is in a unique position to help police an industry that in the last 5 years has failed to police itself adequately.

[The attachments of Mr. Shaughnessy's prepared statement follow:]


THE EDGE
Marriott's
GREAT AMERICA
GURNEE, ILLINOIS
Height: 131 Feet
Vertical Free Fall Drop 80 Feet
Robert Sexton
James Shaughnessy
Eric Bubelis
Total Free Fall With Curve 99 Feet
Speed: 80 Feet Per Second/55 mph




Three teenagers injured as ride plunges 60 feet
Normal route of "The Edge"
Lift begins here

Mr. WAXMAN. Thank you very much. That was an excellent statement. We appreciate your sharing that experience. We are probably going to have some questions of you. Before we do, Mr. Simon, do you want to introduce Mr. Holcomb?

Mr. SIMON. Yes, I would like to introduce Carl Holcomb who has joined us. He is from Indianapolis. He and his wife were on a vacation trip to Missouri and unfortunately his wife was killed. I think Carl Holcomb, if you can simply tell your story, we would appreciate it.

STATEMENT OF CARL H. HOLCOMB

Mr. HOLCOMB. I am Carl Holcomb. My wife was the one that was killed in Missouri. I would like to explain to you just about what happened at the particular time. My wife enjoyed roller coasters and we went to Missouri from Merrimack, KA. We had come back there late in the afternoon. We had hit three roller coasters in that place. The last one was the Rail Blazer, which took my wife.

At the same time, we all waited for about an hour and a half to get on this ride and were really expecting to enjoy ourselves because my wife loved roller coasters. So we got on the ride as our turn came. We went out the—it was slow in the beginning. It come up there and it picked up speed, but the first sharp turn it had where it had already picked up speed coming off the chute there and it just had a terrible whip.

And at that particular time she was gone. It just left the ride completely. And I continued on down the ride trying to get some of the people's attention that there was something wrong. But no one seemed to understand that there was a problem until after I got off the ride. I feel myself that if there had been some more checking of the equipment and stuff, they would have found this to be a problem. There was no security for the ride and at this time if there had been security, I would have my wife sitting with me.

That's about all.

Mr. WAXMAN. Thank you very much for sharing that with us. Mr. Simon.

Mr. SIMON. That is basically the story. And you know, we could get any number of people here to tell stories. In Jim's case, he has had the good fortune to live and to be in good health. In Carl's case, he was holding hands with his wife and all of a sudden she disappeared, just that quickly.

We simply have to protect the citizens of this country more adequately and you are talking about a pittance in terms of expenses. And simply the fact that these companies know that they have someone inspecting, they are going to do a better job. I think that is the bottom line. And that is basically our testimony and our appeal to this subcommittee, Mr. Chairman.

Mr. WAXMAN. Well, we appreciate very much your presentation and work on this legislation. I think we have a classic case of one level of government pointing the finger to another level of government, saying we want somebody else to do the job. The Federal Government said, let's let the States inspect fixed-site amusement parks. Then the States say let the local governments inspect them.

The legislation that was adopted in 1981 took away the power from the Consumer Product Safety Commission. Now the Consumer Product Safety Commission doesn't even find out about accidents or defects unless they read about it in the newspaper. They can't do anything about it. They can't even go out and make inspections.

And if there is an accident on one ride in one part of the country, no agency of Government can warn the amusement park in another part of the country that may have a similar ride that there has been an accident and there may be a problem, a defect or in fact that there is a defect.

Today we look to the States and the local governments to police this effort. Mr. Simon points out to us that most States don't have any regulations whatsoever. They think somebody else is doing the job. The public expects that government at some level or other is in fact going to do the job of inspecting these rides, finding out what defects there are, and making sure, if there are defects, that others know about them who may also have those rides and that the defects are fixed.

Jim, you were on the ride. Some of the ride operators say that the problems are with the kids fooling around. Was there any problem with you and your friends in that ride? You were sitting there—suddenly the ride dropped. Tell us what happened?

Mr. SHAUGHNESSY. There was no way for us to fool around with the ride because there is nothing in the car that you can mess with. I mean, you know, somebody wouldn't want to mess with their safety. I don't see how anybody would want to do that. But you want me to explain what happened?

Mr. WAXMAN. Yes, briefly please.

Mr. SHAUGHNESSY. The car right before us went up the chute fine. Then when it got out on the edge, when it dropped, it went down the slope too fast. And the computer automatically shut that car off and our car also. And we didn't quite get to the top—we were about 10 to 15 feet to the top. While the Marriott personnel got those people out, they had to crawl up because they were on their back at the time. We were up straight because we hadn't gotten up. We were just hollering to our friends and everything, thinking that nothing was going to happen, you know, until we heard that click.

Then we go—well, here we go. I just figured we would go one way or the other. All of a sudden we hit bottom and all I felt was pain. And there was blood all over me and there were people running right toward us, just covering up my eyes and everything. Then I blacked out. The next thing I knew I was in the ambulance. Then I woke up a little bit in there. And then I was in the hospital and the shots—they just, oh——

Mr. WAXMAN. Then you found out afterward there were several other accidents or at least problems with the ride? Is that correct?

Mr. SHAUGHNESSY. The day before there was, I think, two occasions possibly that the Edge didn't work properly the day before. And it has been going on this whole year, I would imagine, the way it sounds.

Mr. WAXMAN. Mr. Holcomb, your wife was thrown from the ride, is that what happened?

Mr. HOLCOMB. See, I had her hand right beside her when we went around that jerk. When it jerked it was all over. She was gone.

Mr. WAXMAN. She fell out of the ride?

Mr. HOLCOMB. Yes, right out of the ride. It was in the cover as it flipped, you know. It was one awful jerk. It was so frightening. Myself, like I said, I went to pieces right then because I was right there. My daughter and her boyfriend was right in front of us and I yelled at them and we all started to yell about it where we could get somebody to stop the ride, but nobody stopped the ride.

Mr. WAXMAN. Do you know whether there was a problem with that ride before?

Mr. HOLCOMB. Well, I had heard that other people that was the same size as my wife had a problem being locked in securely. I have learned this since then. But at this particular time I would rather not make statements on what they could have done to save her, but——

Mr. WAXMAN. Sure. But we wish somebody would have known about it.

Mr. HOLCOMB. That's right.

Mr. WAXMAN. And had them correct it, if they found out there was a problem with passengers being securely strapped in or securely placed in these cars. Mr. Simon.

Mr. SIMON. Yes, Mr. Chairman, if I could just add one other thing, of these 520 permanent amusement parks, some of them obviously are marginal in terms of income. And some of them, faced with very severe financial problems, I am afraid sometimes are making decisions that are against safety for saving a few dollars.

And I think it is just absolutely imperative that the Federal Government say we want to make sure either the Federal Government or the State governments are providing some inspections here.

Mr. WAXMAN. Thank you very much. Mr. Eckart.

Mr. ECKART. I just rode a ride like that about a month ago and your statement gives me some pause. Fortunately the ride I was on went in the right direction.

Mr. SHAUGHNESSY. Right.

Mr. ECKART. My ride didn't go back down the way it came up. Did your experience change your view about amusement parks in general?

Mr. SHAUGHNESSY. Well, I know now that they are not safe; that they may say they are safe, but you don't know how long it is going to take for that ride to break or something. They are just like anything else. And I think that there should be a lot better inspections for these rides and I think that the owners of this wouldn't want to have to see people getting killed on rides or hurt.

I just don't understand why they are against this bill for saving lives. You know, they should be trying to do that, if they want business, you know—anybody to come to their park.

Mr. SIMON. If my colleague would yield, if I can just ask you a very simple question, Jim. Would you go on a thrill ride again today?

Mr. SHAUGHNESSY. No. Never again. It is just—I think it is no fun, you know, after that.

Mr. Eckart. I assume that your parents believed that what you were going to do that day was safe. They wouldn't have sent you there if they thought it wasn't.

Mr. Shaughnessy. My mom, of course was—my mom, excuse me, was of course worried about my safety, but they figured, you know, they were just worried about me getting sick on a ride or something like that, not me falling off something as I did, you know. They assumed that everything would be OK, you know.

Mr. Eckart. There are similar rides in other parks around the United States. I just rode one about a month ago, but my son couldn't go on it. He wasn't tall enough and I assume there was a valid reason for a height requirement. This leads one to believe that if they knew of a problem at the park then they could communicate to each of the other owners of similar rides that there is a problem.

There is a lot of interstate advertising that goes on. People not only come from 10 miles away, but they may travel many hundreds of miles to go to these facilities. I rode the same ride you did, and the parks are many miles apart.

Mr. Simon. If I could respond, Mr. Eckart, to that particular thing, a very interesting thing occurred. Maryland which has a good inspection program, would not permit a ride called "The Zipper." I have no idea what the Zipper is, but would not permit a ride call the Zipper. Pennsylvania, at that time, had no inspection and the Zipper went up to Pennsylvania. And shortly afterward a 14-year-old girl was killed.

Now, we don't need that kind of repetition.

Mr. Eckart. Mr. Simon, let me ask you a couple of questions. I am sure we are going to hear from some of the critics of the legislation that this bill is an unwarranted Federal interference in what should be the prerogatives of the State. They will also say that section II of your bill is going to result in Federal inspectors coming in with badges and warrants as well as increasing costs.

Would you address those issues for me?

Mr. Simon. Yes. First of all, the Federal Government can stay out of it entirely if States do the job. As you know, my colleague, Henry Hyde, is not known for wanting Federal intrusion on things. He is a co-sponsor. I don't want Federal intrusion unnecessarily. But we both want some adequate protection.

The law that we propose would be, if States enter in and assume jurisdiction, the Federal Government doesn't do anything. On the second part of your question, where there are injuries, serious injuries and/or death, there the Commissison may go in.

Obviously, the Commission isn't going to go in where a State is doing a good job. But if there is a pattern of injuries, then the Federal—then the Commission can go in. Let me just add my appreciation for Nancy Steorts, the chairman of the Commission. She has been doing an excellent job and has stood up on this issue. And I really appreciate it.

But no one who is running a responsible amusement park needs to fear this legislation at all. And those who do fear it, they need to fear it.

Mr. Eckart. Thank you, Mr. Chairman. Thank you.

Mr. WAXMAN. Let us clarify that point. You are not saying the Federal Government has to regulate. You are saying some agency of government must be in charge of regulating to protect people's safety?

Mr. SIMON. That is correct. And in fact, our bill is written to encourage the States to assume that responsibility. In your State of California, someone ought to be protecting those people.

Mr. WAXMAN. So if the State is doing the job, fine. The Federal Government won't be involved.

Mr. SIMON. Right.

Mr. WAXMAN. But if no one is doing it then the Federal Government has to take responsibility.

Mr. SIMON. That is exactly right.

Mr. WAXMAN. Well, I think that is a reasonable approach. I want to thank you very much for the legislation and leadership you have given to this cause. Mr. Holcomb and, Jim, I want to thank you for being with us to share what was obviously a very personal intimate situation with both of you. I hope this experience that you have had and the tragedy you have suffered will be turned to something constructive so that we can protect other people in the future from those same kinds of accidents.

Thank you very much.

Mr. SIMON. We thank you.

Mr. WAXMAN. The next panel that we are going to have testify represents the Consumer Product Safety Commission; Nancy Harvey Steorts is Chairman of the Commission. Chairman Steorts is accompanied by Commissioners Stuart Statler and Terrence Scanlon.

Ms. Steorts, Mr. Statler, Mr. Scanlon, we are glad to welcome you to the hearing today. We will make your statements a part of the record in full.

STATEMENTS OF NANCY HARVEY STEORTS, CHAIRMAN, CONSUMER PRODUCT SAFETY COMMISSION; STUART M. STATLER, COMMISSIONER; AND TERRENCE M. SCANLON, COMMISSIONER

Ms. STEORTS. Thank you very much, Mr. Chairman. I am very pleased to come before you today to discuss a consumer safety problem which has become increasingly serious over the past 3 years. Amusement ride safety has become a very visible consumer issue because of the dramatic rise in amusement ride accidents and injuries and an unfortunate annual death toll.

While we may debate the fine points of the statistics, some simple and disturbing facts remain: Last year there were nearly 10,000 amusement ride injuries treated in hospital emergency rooms. Over the past 10 years, there has been an average of seven deaths per year as a result of amusement ride accidents.

This year alone there has been already 12 deaths from amusement rides and attractions. These injury and death statistics do not even take into account the near misses and emergency rescues which regularly make the pages of our newspapers. When the American consumer rightfully demands to know the level of safety on this Nation's amusement rides at the Consumer Product Safety Commission we are unable to provide a clear and reassuring answer because of the inconsistency of amusement ride safety standards from State to State.

Since 1981, the Consumer Product Safety Commission has had no jurisdiction over amusement rides at fixed sites, including more than 18 theme parks and 600 amusement parks. Each year, these parks are patronized by millions of American Consumers, many of whom travel from State to State.

Yet, only one-half of our States today have any amusement ride regulations or legislation. While these States deserve our praise for recognizing the problem and taking action, there is wide variation in State standards for the maintenance and operation of the rides.

The bottom line, I feel, Mr. Chairman, is that the American consumer has no way of knowing the level of safety on a particular ride at a particular location. Jim Shaughnessy had no way of knowing how safe that amusement ride that he got in last May. I am sure he, like other American consumers, felt indeed that it was safe.

In effect today, we are forcing the consumer to play amusement ride roulette with his or her family's safety. We can't tell the consumer which rides are safe or how safe they are. The time has indeed come to restore the jurisdiction of the Consumer Product Safety Commission over this Nation's fixed-site amusement rides so that we at the Commission can begin working toward the consistency of standards which the American consumer has come to expect.

It is logical that this authority be vested with the CPSC, the only Federal agency with both a public mandate and a proven capacity to effectively address this problem.

We should also be very clear as to the course of action which the Commission would take if this authority is restored. We would work cooperatively with amusement ride manufacturers and operators and with State and local governments to develop a national program of amusement ride safety standards which would build and maintain consumer confidence.

Some would have you believe that restoring this authority would mean that legions of Commission inspectors would suddenly descend on this Nation's amusement parks and that an undue regulatory burden would be placed on the backs of amusement ride manufacturers and operators. Nothing could be further from the truth.

Our approach to the inconsistency of amusement ride safety standards would be in the same nonconfrontational, cooperative spirit which has been so successful with scores of other industries over the past 3 years.

However, in meeting our responsibility to the consumer, we would not hesitate to use the Commission's full regulatory power in those instances where a manufacturer or operator failed to report a significant hazard. As we have done in the past, the Commission would act swiftly and fairly to remove that hazard and to require long-term corrective action.

When and if a problem should arise, the Commission would conduct a thorough, scientific and objective investigation with a goal of averting further accidents and injuries. It would flex its regulatory muscle only as a means of protecting consumers, not just for the sake of flexing it. In my testimony, Mr. Chairman, there is a great deal of reference to the work of the Consumer Product Safety Commission last year, when the Enterprise ride-amobile site ride had its tragedy in Dallas.

And the interesting thing about this was that this was a mobile ride at the State fair of Texas, but because of the work of the Consumer Product Safety Commission on that ride after that very serious tragedy, I really feel that we probably saved a lot of other accidents on the other mobile rides, because we notified the States and the amusement parks that had the Enterprise as a mobile site ride.

We could do nothing, however, with the Enterprise that was a fixed ride. That just gives you a comparison. The Commission has a very important interim corrective action plan that is now in effect. I frankly supported much of that plan, but I felt we could have gone one step further and had a backup safety system on that ride.

There are many other statistics that we could go through, many other injuries on amusement rides. I think this is tragic. I feel that this is probably one of the most important issues facing the Commission today. I feel very very strongly about it. I, myself, saw that enterprise car in Dallas. I talked to many of the people in Dallas after that very serious tragedy and I feel very stongly that indeed we should be given the jurisdiction back in order that we may look at, review and have authority over the fixed-site rides.

I would like to thank you for this hearing, for bringing us before you and I do hope that this will prove very, very fruitful to the American consumer. Thank you, Mr. Chairman.

Mr. WAXMAN. Thank you very much.

[The prepared statement of Ms. Steorts follows:]

UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

The Chairman

STATEMENT
Nancy Harvey Steorts, Chairman
U.S. Consumer Product Safety Commission
before the
Subcommittee on Health and Environment
Committee on Energy and Commerce
U.S. House of Representatives
August 6, 1984

"Restoration of CPSC Jurisdiction Over Fixed-Site Amusement Rides"

I am very pleased to come before you today to discuss a consumer safety problem which has become increasingly serious over the past three years. Amusement ride safety has become a very visible consumer issue because of the dramatic rise in amusement ride accidents and injuries and an unfortunate annual death toll.

While we may debate the fine points of the statistics, some simple and disturbing facts remain: last year there were nearly 10,000 amusement ride injuries treated in hospital emergency rooms. Over the past ten years, there has been an average of seven deaths per year as a result of amusement ride accidents.

And these injury and death statistics do not even take into account the "near misses" and emergency rescues which regularly make the pages of our newspapers.

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Since 1981, the Consumer Product Safety Commission has had no jurisdiction over amusement rides at fixed sites, including more than 18 theme parks and 660 amusement parks. Each year, these parks are patronized by millions of American consumers, many of whom travel from state to state.

Yet, only half of our states have any amusement ride regulations or legislation. While these states deserve our praise for recognizing the problem and taking action, there is wide variation in state standards for the maintenance and operation of the rides.

The bottom line is that the American consumer has no way of knowing the level of safety on a particular ride at a particular location. In effect, we are forcing the consumer to play "amusement ride roulette" with his or her family's safety. We can't tell the consumer which rides are safe or how safe they are.

The time has come to restore the jurisdiction of the Consumer Product Safety Commission over this nation's fixed-site amusement rides so that we can begin working toward the consistency of standards which the American consumer has come to expect.

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We should all be very clear as to the course of action which the Commission would take if this authority is restored. We would work cooperatively with amusement ride manufacturers and operators and with state and local governments to develop a national program of amusement ride safety standards which would build and maintain consumer confidence.

Some would have you believe that restoring this authority would mean that legions of Commission inspectors would suddenly descend on this nation's amusement parks and that an undue regulatory burden would be placed on the backs of amusement ride manufacturers and operators. Nothing could be further from the truth.

Our approach to the inconsistency of amusement ride safety standards would be in the same non-confrontational, cooperative spirit which has been so successful with scores of other industries over the past three years.

However, in meeting our responsibility to the consumer, we would not hesitate to use the Commission's full regulatory power in those instances where a manufacturer or operator failed to report a significant hazard. As we have done in the past, the Commission would act swiftly and fairly to remove that hazard and to require long-term corrective action.

When and if a problem should arise, the Commission would conduct a thorough, scientific and objective investigation with a goal of averting further accidents and injuries. It would flex its regulatory muscle only as a means of protecting consumers, not just for the sake of flexing it.

The Commission's actions following last October's fatal Enterprise amusement ride accident in Dallas vividly illustrate the value of CPSC involvement in amusement ride safety and the importance of a comprehensive national program.

I personally visited the site to get first-hand, detailed knowledge of the tragedy. I was impressed that the staff of the Commission was on the scene within a matter of hours following the accident. Their painstaking investigation pinpointed the problems with the ride and this information was shared with the manufacturer, other owners of the ride and with the states in which these rides were located.

There is no doubt that the Commission's involvement helped avert further accidents with this ride.

The Commission voted to accept an interim corrective action plan, including mechanical and structural improvements to the ride, operating specifications and consumer information. Although I agreed with much of the corrective action plan, I voted against acceptance of the plan because it is my view that the plan did not go far enough andthat the ride should have a backup safety system.

To solve the problem, it took expert research, action and information-sharing at the national level. If the Enterprise tragedy had occurred at a theme park or amusement park, none of this activity to protect the American consumer could have occurred.

Just a few weeks ago, a woman was killed when she fell from a standup roller coaster at a theme park in St. Louis. The Consumer Product Safety Commission could do nothing to help find the cause of the accident or to help prevent further accidents of this nature.

I reviewed information the CPSC received on injuries incurred on fixed-site amusement rides and treated in emergency rooms during the month of June, 1984. They included fractures of the upper trunk, wrists, hands, fingers and legs. In addition, several victims suffered contusions, abrasions, lacerations and dislocations.

The victims ranged in age from two years to 57 years. One 46-year-old man suffered a fractured upper trunk when he hit his side against a roller coaster car while riding. A 30-year-old woman sprained her lower back when her amusement ride car was hit from behind. And, a two-year-old child has contusions and abrasions after falling off a ride.

The Consumer Product Safety Commission receives this type of information monthly but is unable to act to protect consumers from such injuries on fixed-site rides.

I hope Congress will remedy this situation by restoring the Commission's authority over fixed-site rides so we can get on with the job of working toward consistency of amusement ride safety standards across the nation.

When we achieve that consistency, it will be good for everyone. The industry itself will benefit from the renewed consumer confidence which so many other industries have enjoyed as a result of this kind of CPSC program. And, the consumer will be able to have a day of fun at any of our amusement parks or theme parks without a lurking and disturbing concern about the level of safety in effect.

Debates over the interpretation of accident and injury data simply shift the focus from the central issue: consistent, effective safety standards in each and every state. As long as there are accidents, injuries and deaths due to amusement rides, our job is not done.

Congress should restore the authority of the Consumer Product Safety Commission over fixed-site rides so that the Commission can do the whole job, not just part of it.

Thank you.

Mr. **WAXMAN**. Mr. Scanlon.

STATEMENT OF TERRENCE M. SCANLON

Mr. **SCANLON**. Thank you, Mr. Waxman, Mr. Eckart. I share the concern that prompted the introduction of the bills being discussed today. There have been some unfortunate injuries. Four people have been killed on amusement rides this year. Two of these fatalities involved mobile rides over which the CPSC already has jurisdiction.

Every injury involving a consumer product is unfortunate. Every death is tragic. The mission of the Consumer Product Safety Commisison is to make the market safe for consumers. To accomplish this worthy end, we must put our resources where the returns measured by enhanced safety are greatest and where this agency can be most effective. I firmly believe that requiring the Commissison to regulate fixed-site amusement rides would detract signficantly from our ability to regulate in other critical safety areas. I fear it is quite likely to diminish our overall effectiveness in protecting American's consumers.

I'm not convinced there is sufficient evidence to justify Federal intervention. In 1981, amusement rides ranked 134th on CPSC's list of hazards. In addition, CSPC injury data reveal a sharp decrease in amusement ride-related injuries from 9,465 in 1982 to 6,763 in 1983. A 1980 University of Southern California study indicated that up to 92 percent of the accidents were attributed to human error such as tripping off an exit ramp.

According to the Associated Underwriters, a company that insures many fixed site rides, most injuries arise from rider misbehavior, not mechanical failure. The CPSC data collection system regrettably does not record such behavior; it only tells us the product with which the injury was associated.

This improved safety record mentioned above occurred immediately after the 97th Congress withdrew the Commission's jurisdiction over fixed-site amusement parks in the summer of 1981. In view of this near 30-percent drop in accidents since CPSC was relieved of its regulatory responsibilities over theme parks, I recommend against a revival of Federal jurisdiction in this area.

A key issue behind the regulation of our Nation's amusement parks and rides is the role of the Federal Government versus our State and local governments. As I mentioned earlier, half this year's fatalities involving amusement rides occurred on mobile rides under the Commission's jurisdiction.

The record before us does not indicate a crying safety need that should override our current system of federalism with the practical effect of reinventing the wheel at the Federal level. The State and local governments, in cooperation with industry, have logged impressive safety records. In light of their fine work, I do not feel it is necessary to embark on a duplicative, costly Federal program. We ought instead to encourage adoption of an inspection program in those States that do not have them, but where there is a need.

In addition, a Federal safety program easily could have an unintended and counterproductive effect by discouraging local initiative and, at the same time, giving consumers a false hope of a Federal program that in no way would guarantee public safety.

Furthermore, ensuring the safety of the Nation's amusement rides scattered throughout the 660 parks in all 50 States is a task far too large for the Commission's personnel and financial resources and well beyond its technical expertise. The Consumer Product Safety Commission employs fewer than 600 people; only 25 of these are engineers. Currently, these professionals are engaged in the congressionally mandated tasks of maximizing consumer safety in such products as hair dryers, pacifiers, and toy chests.

To provide jurisdiction over 660 fixed-site parks without the ability to properly inspect them, as obviously we could not, would be nothing short of a regulatory mirage. Sometimes in a well-intentioned quest for consumer guardianship we turn too easily to the Federal quick fix; a masterstroke of regulation we think will uniformly solve the issue of safety.

If we are really concerned with maximizing consumer safety, however, we should first ask if this job is really the legitimate function of the Federal Goverment or if the State and local governments are not the more appropriate holders of this regulatory responsibility. Indeed it seems a better job can be done at the local level of government.

Nearly half the States already have comprehensive safety programs. Arkansas and Maryland for example will not issue operating licenses to park owners until the rides have passed a lengthy inspection program encompassing ball bearings, axle shafts, wire rope expansion, hydraulic lifts, brakes, lighting and emergency systems and operator maintenance records at least.

All 50 States have elevator inspection programs which could be modified to encompass amusement ride inspection. I visted North Carolina a few weeks ago. Last year, for example, that State made 2,596 on-site inspections at $9.09 an hour at 22 cents a mile in privately owned vehicles for a total of $34,450, only 14 percent of the total elevator inspection budget. Realistically a Federal program could never duplicate this exhaustive inspection program in unregulated States even if our budget were doubled and we hired 100 extra engineers.

As a result of constant maintenance by their trained staffs, the theme parks themselves have voluntarily established a fine safety record. The State of California, for example, the site of some of the country's biggest parks, studied the issue and discovered such a high level of voluntary safety standards set by the parks themselves hat no government program could be justified.

I read recently in the Santa Ana Register that all the rides at Disneyland are inspected nightly. One full crew spends the entire graveyard shift examining one of Disneyland's most famous rides. I think a park spokesman summed it up best when he recently said "No one knows our attractions better than we do."

Again, I wish to reiterate that I am concerned about providing safety in our Nation's fixed-site amusement parks and share the belief that thrill-seekers are entitled to safe, well-maintained rides. This comprehensive task, if it is to be done right, requires thorough, ongoing attention which can only be found from networks of

State and local inspectors combined with industry's own professional staff and voluntary efforts.

I am convinced that by deferring to the existing inspection programs in place and the extensive voluntary industry efforts underway that we can achieve more thorough and individualized inspections at a substantially lower cost. Nearly half the States already have amusement ride programs. Therefore, our efforts should be directed at encouraging those States that currently have little or no regulations to legislate necessary safety requirements of their own.

Thank you.

Mr. **Waxman**. Thank you very much.

Mr. Statler.

STATEMENT OF STUART M. STATLER

Mr. **Statler**. Mr. Chairman, Mr. Nielson, Mr. Eckart. The question I would ask is how many deaths does it take before too many people have died, before too many youngsters have their lives prematurely cut off? I have read what industry has to say about this issue. I have read their prepared statements. What I can't understand is, what is this industry afraid of? Why are they to be treated unlike any other industry in the United States?

What is wrong with Federal officials being able to go in after a tragedy occurs and to be able to investigate the circumstances of that tragedy? What is wrong with, and why shouldn't, a manufacturer or an owner/operator having to report to the Commission whenever he has evidence of a defect in a product or a substantial product hazard?

Why shouldn't the CPSC be able to enforce a corrective action plan to make sure that any defects or faulty situations are corrected. That is what jurisdiction means. It means being able to go in and investigate, to be able to get reports from these manufacturers and owner/operators about problems and to be able to enforce corrective action plans.

Right now thrill seekers across the United States are being taken for a ride. They are lured to places they have never been in ways they have never traveled before, all with the security that it is not a one way trip. At least it is not supposed to be.

The rides are billed as safe and as dependable. Most of the time they are. And sometimes they are not. There is only the illusion of danger, or so one would be led to believe. But if you just looked in an excellent article done in the Washington Post on Saturday, there was a litany just within the past 2 years of some 20 incidents. I believe I counted 17 of those associated with fixed site rides.

Deaths, disfigurement, paralysis, disabling injuries, that is what we are talking about here. We are not talking about bumps and bruises or someone being hit over the head with a pool cue. When the industry tries to compare this kind of tragedy to a problem associated with billiards, it is not in the same ball park and the industry knows it. It doesn't take too many such grim tales as the Post describes to show that we have got trouble in Santa Clara, Tuscaloosa and any city that plays host to a traveling carnival, special fair, or fixed-site amusement park.

Where a ride moves from town to town or where it remains set in concrete, accidents do happen. We are not talking here about the relative security of a carousel or a pony ride; a placid boating through It's a Small World or frolicking on Mr. Toad's ride. It is more like the Galaxy or the Big Bad Wolf or the Himalaya or the Octopus, those classes of rides with whipsawing, swirling, and rapid starts and stops. It is the new-fangled stand-up roller coaster in Eureka, MO, which just a month ago was responsible for the death you heard about this morning of a 46-year-old Indianapolis woman.

These facts are disturbing as you have recounted, Mr. Chairman. There are some 10,000 serious incidents a year associated with amusement parks, amusement rides, amusement attractions. Since 1973, some 87 deaths that the Commission knows of—I emphasize those. Many of them we don't even hear about, particularly since we don't have jurisdiction over the fixed rides. Those deaths have shattered the merriment of the midway.

Four riders died in 1983. And in the first 7 months of this year there has been a total of 12 amusement park visitors who have died in rides and attractions. When they talk about how this is comparable to billiards, I think these people just don't understand how the Commission assesses hazards. It is not simply sheer numbers. What we judge is the relative safety of products.

We look at the unreasonableness of a hazard; whether it is going to result in death or disfigurement or amputation. We look at the degree of product involvement. When we look at amusement parks, we see that by all objective accounts too many of these injuries, so many of these tragedies are responsible or attributable to faulty design, equipment failures or falls from equipment, and improper inspection and maintenance.

Let's not kid ourselves. The kind of injuries we heard of this morning—from a 60-foot verticle fall from the Edge at the American Park in Gurnee as happened to the three teenagers on May 2 of this year—have a far greater potential for injury and death than a tap on the head with a pool cue.

When they resort to such other comparisons like doll houses and aquariums, it is the same kind of thing. They are trying to ridicule the problem rather than recognize that we have a problem here. Let's face it and let's do something about it. Let's not go to Congress and lobby that the Consumer Product Safety Commission which has jurisdiction over 15,000 products simply shouldn't have jurisdiction over this product.

To me, that tells me that they have got something to hide. Mr. Chairman, just a sampling of the Commission's in-depth investigations, consumer complaints and newspaper clippings spanning the 5-year period from 1978 through 1983: of the 18 fatality reports reviewed which were associated with amusement rides, 14 of these deaths occurred on fixed-site rides.

Why exempt fixed-site rides? When an aircraft takes off full of passengers, FAA rules require meticulous maintenance and inspection, regardless of the plane's cost or size. Seats must be specially designed, belts must hold during turbulence and interior furnishings must be fire-resistant. There is an aura of safety in the friendly skies, which travelers expect and demand. Government regulation is ever-present, even though accident rates for the airline industry are much lower than those of the amusement ride industry.

Why then, do we permit Americans, and kids especially, to be sent aloft on rides that are often as complex, sophisticated and almost as expensive as small aircraft, without the benefit of Government oversight?

Can you imagine when that Air Florida plane went down on the 14th Street Bridge, either the aircraft industry or the airline industry had said the FAA shouldn't investigate this? Or the National Transportation Safety Board shouldn't investigate because the District of Columbia is going to investigate, or because Virginia is going to investigate?

That wouldn't have been acceptable to anyone, either in Congress or to the American public. Yet, that is what we are being told now. Let the States do it completely. Let the States do it, even though a State is principally concerned with what goes on in that State. And if they find the problem, they can't do anything about the same ride as in the case the Chairman indicated, the Enterprise, that is found in 19 other locations around the United States.

Who is going to take are of that? The role of the Federal Government and Consumer Product Safety Commission as you have yourself stated, Mr. Chairman, is very limited as a result of that exemption. Exemption of fixed site rides has created a precarious, to borrow a phrase, "window of vulnerability" for those who place their trust in the safety of these rides.

The Enterprise was a clear example because it was a fixed site ride for many years at Rye's Playland.

It just happened in the fall of last year to be picked up, taken to Oklahoma City, and from there to Dallas, TX, for the State fair. That is when it went down. Had the incident occurred in Rye's Playland, we could not have investigated. We would not have seen the flaws in the design of that product. We would not have seen the flaws in the maintenance of that product. And we couldn't have had any kind of corrective action that would have applied to the seven other mobile rides, or even said anything to the owners of the 12 other fixed Enterprise rides. Whether they have taken any action, we don't know, because we can't do any followup.

In those 12 sites where that Enterprise exists it may be corrected and it may not. We don't know and the public doesn't know. And so you have legislation before you, three bills. I would encourage you to endorse and approve and vote out of committee the Porter bill. I say that because it is the most simple approach. It simply restores jurisdiction to the Consumer Product Safety Commission along the lines of the jurisdiction it has over 15,000 other products, with mobile amusement rides being one of them.

My problem with the Simon bill, and from listening to him this morning I believe his intentions are perfectly outstanding, is that if we leave the case to be that so long as the State inspects, the Commission is out of the picture, we won't be able to investigate after an accident occurs. We won't be able to enforce a corrective action plan when we believe one is necessary. And perhaps most important of all, we won't be getting the reports, the defect reports or the section 15 reports that a manufacturer and owner/operator is required to give us if a product is under our jurisdiction.

And so I would go with the Porter approach, and perhaps to amend it, taking what is Representative Guarini's intent, although I think his language is a bit too broad, and urge you to perhaps have some language either in the bill or in the report to indicate that nothing in the subsection should preclude the Commission from investigating the circumstances of injury or death associated with an amusement park attraction. That is what that Haunted House was, an attraction for which an entry fee or its equivalent was paid.

What is key here, Mr. Chairman, is that Federal jurisdiction is needed so that when any tragedy occurs, regardless whether it is mobile or fixed, that a team of engineers can go out there and identify any design or structural failures, and thereby prevent further tragedy from occurring on the same ride or a similar ride anywhere else in the country.

That is no different from what the National Transportation Safety Board currently does for any airline crash or any major truck, rail or schoolbus tragedy. In the absence of a Federal role, we won't be able to correct and to require corrective action plans to apply to all rides. That ability provides the incentive for recalcitrant firms to develop voluntary safety standards. It would also promote enhanced attention to safety and to maintenance and inspection procedures in advance of any incident occurring.

Finally, as I indicated, restored jurisdiction would mean that the manufacturers and owner-operators would have to report to us so that, in advance, we could deal with these problems, determine if a corrective action or recall is necessary, and to impose it. Or to get the companies to agree to it, as we did in the case of the Enterprise. And again, the fixed-site segment of this industry can only serve their own best interests and that of the American public by early reporting of possible hazards or defects.

This is what our jurisdiction means for these other 15,000 products, including mobile amusement rides. And the affected industries really don't have much of a problem with it, or certainly they haven't been telling you or us. They are all playing by the same rules. And it is time to bring the entire amusement ride industry back into the picture, if we are to promote improved safety and to restore the confidence of the American public in all these rides.

Thank you.

[Testimony resumes on p. 803.]

[The prepared statements of Mr. Statler and Ms. Armstrong follow:]

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TESTIMONY OF
COMMISSIONER STUART M. STATLER
U.S. CONSUMER PRODUCT SAFETY COMMISSION
CONCERNING AMUSEMENT RIDE SAFETY

BEFORE THE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT
COMMITTEE ON ENERGY AND COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES
AUGUST 6, 1984

THANK YOU FOR INVITING ME HERE TODAY TO DISCUSS CURRENT LEGISLATIVE EFFORTS TO RESTORE JURISDICTION TO THE CONSUMER PRODUCT SAFETY COMMISSION OVER FIXED-SITE AMUSEMENT RIDES. I BELIEVE THAT SUCH LEGISLATION IS VITALLY IMPORTANT TOWARD ENSURING THE SAFETY OF MILLIONS OF AMERICANS ACROSS THIS NATION.

THRILL SEEKERS ACROSS THE UNITED STATES TOO OFTEN ARE BEING TAKEN FOR A RIDE. THEY'RE LURED TO PLACES THEY'VE NEVER BEEN IN WAYS THEY'VE NEVER TRAVELLED BEFORE -- ALL WITH THE SECURITY THAT IT'S NOT A ONE WAY TRIP. AT LEAST IT'S NOT SUPPOSED TO BE. THE "HIMALAYA," THE "ZIPPER," "TILT-A-WHIRL" AND THE REST ARE THE ULTIMATE ESCAPES FROM GRAVITY, CARES, AND REALITY. THEY'RE BILLED AS SAFE AND DEPENDABLE. MOST OF THE TIME THEY ARE. SOMETIMES THEY'RE NOT. THERE'S ONLY THE ILLUSION OF DANGER, OR SO ONE WOULD BE LED TO BELIEVE.

BUT IT WASN'T MAKE-BELIEVE WHEN--

- JUST ONE WEEK AGO, ON JULY 28TH, AT THE NORTH DAKOTA STATE FAIR IN MINOT, A RESTRAINING BAR ON "THE LOOP" ROLLER COASTER FAILED TO LOCK IN PLACE. AS THE CAR RACED THROUGH A 360° LOOP, A 9-YEAR OLD BOY WAS KILLED WHEN HE WAS WRENCHED FROM THE CAR AND HURLED 30 FEET TO THE GROUND.

• A GONDOLA CAREENED OFF THE "ENTERPRISE" IN DALLAS LAST OCTOBER, JUST AS IT WAS SPINNING VERTICALLY AT A HEIGHT OF ALMOST 80 FEET. IF ONLY IT WERE JUST AN ILLUSION. ONE TEENAGER DIED. HIS BROTHER AND SEVERAL OTHERS SUFFERED SERIOUS INJURIES. IF YOU TIE A ROPE AROUND A ROCK, THEN SWING IT ROUND AND ROUND ABOVE YOUR HEAD LIKE A LARIAT AND LET GO, WHAT HAPPENS? YOU CAN'T EXPECT IT TO CONTINUE ITS ARC -- IT FLIES OUT, BLAZING A NEW PATH. THAT'S JUST WHAT HAPPENED WITH CAR #1 OF THE "ENTERPRISE."

• A CHAIN ON THE "COMET" IN PONTIAC, ILL. SNAPPED THIS PAST MEMORIAL DAY WEEKEND, SMASHING ONE CAR AND ITS OCCUPANTS INTO A PARKED TRUCK AT AN AMERICAN LEGION-SPONSORED FAIR. THE 36-YEAR OLD LEGION COMMANDER DIED; HIS SON, AGE 6, WAS SERIOUSLY INJURED.

• IN SEPARATE INCIDENTS IN THE LATE 70'S IN TEMPE, ARIZ., HUNTINGTON, N.Y. AND BRADFORD, PA., DOORS PEELED OPEN ON SOME OF THE 80 "ZIPPER" RIDES SCATTERED ACROSS AMERICA, CAUSING PROTECTIVE LAP BARS TO SWING OPEN. FOUR RIDERS DIED AND TWO WERE SERIOUSLY HARMED AS THEY PLUMMETED TO THE MIDWAY, WRENCHED FROM THEIR CARS BY THE RIDE'S ROTATION.

• A CABLE CAR ON THE "SKYRIDE" HURTLED TO THE GROUND AT THE TEXAS STATE FAIR IN 1979. ONE YOUNGSTER WAS NO LONGER ALIVE TO LAUGH, AND A 20-YEAR OLD WOMAN WAS LEFT WITHOUT MOVEMENT IN HER ARMS AND LEGS.

• AND IN OUR OWN BACKYARD, A MAN WAS INJURED THIS PAST MAY AT RFK STADIUM WHEN A CAR ON THE "TILT-A-WHIRL" DERAILED BECAUSE THE WRONG BOLT WAS SUBSTITUTED.

IT DOESN'T TAKE MANY SUCH GRIM TALES TO SHOW THAT WE'VE GOT TROUBLE IN RIVER CITY, IN SANTA CLARA, TUSCALOOSA, AND ANY CITY THAT PLAYS HOST TO A TRAVELING CARNIVAL, SPECIAL FAIR, OR FIXED-SITE AMUSEMENT PARK. THE STATISTICS AND STATEMENTS OF INSPECTORS SHOW THAT WHETHER A RIDE MOVES FROM TOWN-TO-TOWN OR REMAINS SET IN CEMENT, ACCIDENTS DO HAPPEN.

I'M NOT TALKING ABOUT THE RELATIVE SECURITY OF A CAROUSEL OR A PONY RIDE. NOR PLACID BOATING THROUGH "IT'S A SMALL WORLD," OR FROLICKING ON "MR. TOAD'S RIDE." IT'S THE "GALAXY" OR "OCTOPUS" CLASS OF RIDES, WITH WHIPSAWING, WHIRLING AND RAPID STARTS AND STOPS. IT'S THE NEW-FANGLED STAND-UP ROLLER COASTER -- LIKE THE ONE FROM WHICH A

46-YEAR OLD INDIANAPOLIS WOMAN FELL TO HER DEATH JUST LAST MONTH IN EUREKA, MISSOURI.

RISKY BUSINESS

THE FACTS ARE DISTURBING: IN EACH OF THE LAST FEW YEARS, AN AVERAGE OF OVER 10,000 INJURIES HAS OCCURRED ON AMUSEMENT RIDES. SINCE 1973, 87 DEATHS THAT THE COMMISSION KNOWS OF HAVE SHATTERED THE MERRIMENT OF THE MIDWAY. 4 RIDERS DIED IN 1983. IN THE FIRST SEVEN MONTHS OF THIS YEAR, A TOTAL OF 12 AMUSEMENT PARK VISITORS HAVE DIED IN RIDES AND ATTRACTIONS.

THOSE WHO OPPOSE ANY CHANGES IN THE STATUS QUO CONCERNING AMUSEMENT RIDES DOWNPLAY THIS LITANY OF ACCIDENTS BY SPURIOUS COMPARISONS TO ACCIDENT RATES FOR SUCH ITEMS AS "BILLIARDS" AND "AQUARIUMS." THEY DISTORT THE PICTURE BY REFERRING TO A RANKING OF EMERGENCY ROOM-TREATED INJURIES FROM THE COMMISSION'S NATIONAL ELECTRONIC INJURY SURVEILLANCE SYSTEM (NEISS). NUMBERS OF INJURIES ALONE, HOWEVER, ARE NEVER USED BY CPSC AS A MEASURE OF THE RELATIVE SAFETY OF PRODUCTS OR THE UNREASONABLENESS OF A HAZARD.

FAR MORE IMPORTANT IS THE SERIOUSNESS OF THE INJURIES -- WHETHER DEATH, DISFIGUREMENT, PARALYSIS, OR AMPUTATION WAS INVOLVED. ALSO KEY IS THE DEGREE OF PRODUCT INVOLVEMENT -- WHETHER THE PRODUCT WAS MERELY "ASSOCIATED WITH" AN INJURY IN A SECONDARY WAY, OR THE PRODUCT WAS A "DIRECT CAUSE" OF HARM.

BY ALL OBJECTIVE ACCOUNTS, MANY AMUSEMENT RIDE INJURIES INVOLVE FAULTY DESIGN, EQUIPMENT FAILURES OR FALLS FROM EQUIPMENT, AND IMPROPER INSPECTION AND MAINTENANCE. BILLIARD INJURIES, ON THE OTHER HAND, FOR THE MOST PART TYPICALLY INVOLVE SUCH SCENARIOS AS PEOPLE

FALLING AGAINST OR BUMPING INTO POOL TABLES, OR BEING STRUCK WITH POOL CUES, SOMETIMES DELIBERATELY. THE FAULT IS USUALLY THEIR OWN AND THE INJURIES TEND TO BE LESS SERIOUS. HENCE, AS A COMMISSION, WE DON'T ATTEMPT TO DO ANYTHING ABOUT THEM.

LET'S NOT KID OURSELVES: A 60-FOOT VERTICAL FALL FROM "THE EDGE" AT THE GREAT AMERICA PARK IN GURNEE, ILL. — AS HAPPENED TO THREE TEENAGERS ON MAY 22 OF THIS YEAR — HAS A FAR GREATER POTENTIAL FOR INJURY AND DEATH THAN A TAP ON THE HEAD WITH A POOL CUE.

A HIGHER POTENTIAL FOR LETHAL ACCIDENTS IS ALSO BORNE OUT BY THE AVAILABLE DATA. INFORMATION COLLECTED BY CPSC IN THE SEVEN YEARS PRIOR TO 1981, INDICATES FIVE TIMES AS MANY FATALITIES INVOLVING AMUSEMENT RIDES AS INVOLVING BILLIARDS. AND AGAIN, THE AMOUNT OF PRODUCT CONTRIBUTION -- AS OPPOSED TO USER FAULT — IS MUCH GREATER FOR AMUSEMENT RIDES. WHILE RIDE FATALITIES OFTEN INVOLVE A PASSIVE RIDER VICTIMIZED BY DESIGN OR EQUIPMENT FAILURES OR OPERATOR ERROR, THE FEW BILLIARD FATALITIES TYPICALLY INVOLVE POOL TABLES FALLING ON CHILDREN AND ACTIVE CASES OF ASSAULT.

AND IT'S MUCH THE SAME STORY FOR COMPARISONS TO AQUARIUMS, DOLLHOUSES AND ALL THE OTHER NONSENSICAL COMPARISONS THE AMUSEMENT PARK INDUSTRY CAVALIERLY SELECTS TO JUSTIFY WHAT REALLY AMOUNTS TO CALLOUSNESS AND IRRESPONSIBILITY ON ITS PART IN REPUDIATING THE CLEAR NEED FOR GREATER GOVERNMENTAL INVOLVEMENT.

POOR RIDE DESIGN, RIDE FAILURE, IMPROPER MAINTENANCE, INCORRECT OPERATION AND RIDER MISBEHAVIOR ARE ALL CAUSES OF AMUSEMENT RIDE ACCIDENTS. SOME AMUSEMENT RIDE INDUSTRY OFFICIALS TEND TO "BLAME THE VICTIM," CLAIMING FALSELY THAT OVER 90 PERCENT OF ALL RIDE INJURIES

ARE CAUSED BY HUMAN CARELESSNESS, USUALLY THAT OF THE RIDER. BUT AT A RECENT COMMISSION SEMINAR, WE HEARD FROM STATE AND LOCAL OFFICIALS THAT THIS JUST ISN'T SO. A RIDE IS ONLY AS SAFE AS THE SYSTEM MAKES IT. THAT MEANS THE DESIGNER AND MANUFACTURER, THE OWNER AND OPERATOR, THE INSPECTOR AND THE RIDER.

THIS POINT IS SUPPORTED BY A SAMPLING OF THE COMMISSION'S IN-DEPTH INVESTIGATIONS, CONSUMER COMPLAINTS, AND NEWSCLIPS SPANNING THE FIVE-YEAR PERIOD FROM 1978 THROUGH 1983. OF THE 18 FATALITY REPORTS REVIEWED WHICH WERE ASSOCIATED WITH AMUSEMENT RIDES, 6 DEATHS, FULLY ONE-THIRD OF THE TOTAL, WERE CLEARLY ATTRIBUTED TO RIDE FAILURE; ONLY 4 DEATHS WERE LINKED TO RIDER BEHAVIOR; THE OTHERS TEND TO BE ATTRIBUTABLE TO A COMBINATION OF FACTORS. 14 OF THESE DEATHS OCCURRED ON FIXED-SITE RIDES.

THE FACT IS, FIXED-SITE AMUSEMENT RIDES AREN'T MUCH DIFFERENT FROM OTHER INTRICATE AND MASSIVE HUNKS OF MACHINERY WITH THE POTENTIAL FOR SERIOUS INJURY OR DEATH IF ACCIDENTS OCCUR. COSTING A FEW HUNDRED THOUSAND TO SEVERAL MILLION BUCKS, THEY'RE NOTHING TO SCOFF AT. IT'S JUST THAT THEY ARE REGULATED LESS.

WHEN AN AIRCRAFT TAKES OFF FULL OF PASSENGERS, FAA RULES REQUIRE METICULOUS MAINTENANCE AND INSPECTION, REGARDLESS OF THE PLANE'S COST OR SIZE. SEATS MUST BE SPECIALLY DESIGNED, BELTS MUST HOLD DURING TURBULENCE, AND INTERIOR FURNISHINGS MUST BE FIRE-RESISTANT. THERE IS AN AURA OF SAFETY IN THE FRIENDLY SKIES, WHICH TRAVELERS EXPECT AND DEMAND. GOVERNMENT REGULATION IS EVER-PRESENT, EVEN THOUGH ACCIDENT RATES FOR THE AIRLINE INDUSTRY ARE MUCH LOWER THAN THOSE OF THE AMUSEMENT RIDE INDUSTRY.

WHY THEN, DO WE PERMIT AMERICANS, AND KIDS ESPECIALLY, TO BE SENT ALOFT ON RIDES THAT ARE OFTEN AS COMPLEX, SOPHISTICATED AND ALMOST AS EXPENSIVE AS SMALL AIRCRAFT, WITHOUT THE BENEFIT OF GOVERNMENT OVERSIGHT?

THE DEADLY LOOPHOLE

WE HAVE A PATCHWORK OF STATE LAWS GOVERNING BOTH MOBILE AND FIXED-SITE AMUSEMENT RIDES. SOME 26 STATES DON'T REGULATE AMUSEMENT RIDES IN ANY WAY. THE PREVAILING ATTITUDE IS LET THE RIDER BEWARE!

IN THE OTHER 24 STATES, THERE'S NO UNIFORM APPROACH TO IMPROVING SAFETY. 19 STATES REQUIRE STATE INSPECTORS TO CHECK RIDES THAT STAY "FIXED" IN ONE SITE AS WELL AS THOSE THAT TRAVEL FROM ONE SITE TO ANOTHER. MOST ARE INSPECTED FOR STRUCTURAL INTEGRITY AND SAFETY; IN SOME STATES THOUGH, AS LONG AS ELECTRICAL AND BUILDING CODES ARE MET, THE SHOW GOES ON. IN 2 STATES, ONLY MOBILE AMUSEMENT RIDES ARE INSPECTED.

3 STATES MERELY REQUIRE THAT RIDE OWNERS AND OPERATORS CARRY A MINIMUM OF INSURANCE; INSURANCE COMPANIES USUALLY DISPATCH AN INSPECTOR PRIOR TO ISSUING A POLICY -- PERHAPS JUST ONCE, BEFORE THE FAIR OPENS FOR THE SEASON.

AND WHAT OF THE AMUSEMENT PARKS AND CARNIVALS IN STATES WITHOUT ANY TYPE OF REGULATIONS?

THE ROLE OF THE FEDERAL GOVERNMENT, AND THE CONSUMER PRODUCT SAFETY COMMISSION, HAS BEEN SEVERELY LIMITED SINCE CONGRESS RESTRICTED JURISDICTION TO MOBILE RIDES DURING THE COMMISSION'S REAUTHORIZATION IN 1981. EXEMPTION OF FIXED-SITE AMUSEMENT RIDES HAS CREATED A PRECARIOUS "WINDOW OF VULNERABILITY" (TO BORROW A PHRASE) FOR THOSE

WHO PLACE THEIR TRUST IN THE SAFETY OF THESE RIDES.

FOR EXAMPLE, THE "ENTERPRISE" IS ONE OF THE MOST POPULAR RIDES IN THE COUNTRY; THERE ARE 19 OF THEM ACROSS THE LAND. BECAUSE THE FATAL ACCIDENT AT THE TEXAS STATE FAIR IN OCTOBER 1983 INVOLVED AN "ENTERPRISE" RIDE WHICH WAS MOVED FROM PLACE TO PLACE ON A FLATBED TRUCK, THE COMMISSION COULD INSPECT THE SCENE OF THE ACCIDENT AND DETERMINE THE PROBABLE CAUSE FOR THIS TRAGEDY. THIS SAME RIDE, IRONICALLY, HAD BEEN A FIXED-SITE RIDE FOR SEVERAL YEARS AT RYE'S PLAYLAND IN WESTCHESTER COUNTY, N.Y., BEFORE MOVING TO OKLAHOMA AND THEN ON TO TEXAS.

OUR INQUIRY POINTED OUT ALARMING DESIGN AND STRUCTURAL CONCERNS THAT WERE APPARENT IN MANY VERSIONS OF THE RIDE, BOTH FIXED AND MOBILE. FOR THE 7 "ENTERPRISE" RIDES THAT WERE TRANSPORTED FROM ONE LOCALE TO ANOTHER, BECAUSE WE HAD JURISDICTION WE COULD REQUIRE AN UPGRADING OF SAFETY FEATURES AND MONITOR THEIR MAINTENANCE. BUT WE HAD NO AUTHORITY TO REQUIRE SUCH CHANGES IN 12 PARKS AROUND THE COUNTRY WHERE THE "ENTERPRISE" WAS SET IN CONCRETE -- "FIXED" IN ITS SITE, BUT NOT "FIXED" IN ITS DESIGN OR MAINTENANCE.

THIS JUST DOESN'T MAKE SENSE. OUR INSPECTORS FOUND A PROBLEM, YET WE WERE POWERLESS TO INCLUDE MORE THAN HALF OF THE AFFECTED RIDES IN OUR CORRECTIVE ACTION PLAN. PERHAPS THESE OWNERS/OPERATORS WILL TAKE UP OUR SUGGESTIONS, BUT WE DON'T KNOW THAT THEY WILL AND CAN'T EVEN FIND OUT. AND NEITHER DOES THE PUBLIC WHO MAY BOARD THOSE "ENTERPRISE" RIDES IN LOCALITIES WHERE THEY'RE FOUND -- IN BROOKLYN, N.Y.; SANDUSKY, OHIO; AURORA, OHIO; HERSHEY, PENNSYLVANIA; WEST MIFFLIN, PENNSYLVANIA; SEATTLE, WASHINGTON; WILDWOOD, NEW JERSEY; HAINES CITY, FLORIDA; MYRTLE BEACH, SOUTH CAROLINA; WARWICK NECK, RHODE ISLAND; SHAKOPEE, MINNESOTA; AND KANSAS CITY, MISSOURI.

ANY DELAY IN FIXING OR RETROFITTING THOSE 12 "ENTERPRISE" RIDES COULD PROVE FATAL FOR INNOCENT RIDERS. THAT'S THE DEADLY LOOPHOLE, AND IN MY MIND AN INTOLERABLE AND FOOLISH ONE THAT CRIES OUT FOR IMMEDIATE CORRECTION.

PENDING MEASURES

COMMISSION JURISDICTION OVER MOBILE AMUSEMENT RIDES PERMITS US TO CARRY OUT FOUR ESSENTIAL ACTIVITIES —

FIRST, WE ACT AS AN INFORMATION CLEARINGHOUSE FOR THE STATES ON AMUSEMENT RIDE ACCIDENTS.

SECOND, THE LAW REQUIRES IMMEDIATE FILING OF A SECTION 15 REPORT IF ANY MANUFACTURER OR OWNER/OPERATOR OF A RIDE HAS REASON TO SUSPECT THAT IT PRESENTS A SUBSTANTIAL PRODUCT HAZARD.

THIRD, WE CAN SEND INVESTIGATORS TO THE SCENE OF A SERIOUS ACCIDENT TO DETERMINE THE CAUSE AND AVERT SIMILAR TRAGEDY ON RIDES LOCATED THROUGHOUT THE COUNTRY.

FOURTH, WE CAN ISSUE A CORRECTIVE ACTION PLAN TO REQUIRE RIDE DESIGNERS, OWNERS AND OPERATORS TO MAKE SAFETY CHANGES.

THIS IS WHAT WE CURRENTLY DO WITH RIDES THAT TRAVEL FROM SITE TO SITE. THIS IS WHAT WE SHOULD BE ABLE TO DO FOR FIXED-SITE RIDES.

THE THREE BILLS UNDER CONSIDERATION AT TODAY'S HEARINGS (H.R. 5788, INTRODUCED BY REPRESENTATIVE JOHN E. PORTER (R-IL); H.R. 5790, BY REPRESENTATIVES PAUL SIMON (D-IL) AND HENRY HYDE (R-IL); AND H.R. 5982, BY REPRESENTATIVE FRANK GUARINI (D-NJ)), ALL REPRESENT STEPS IN THE RIGHT DIRECTION.

IN SUMMARY, I BELIEVE THE APPROACH OF THE PORTER BILL (H.R. 5788) IS BY FAR THE BEST ROUTE TO TAKE. I WOULD SUGGEST ADDING TO IT THE INTENT, ALBEIT NOT THE EXPLICIT LANGUAGE, OF THE GUARINI MEASURE, FOR REASONS I'LL DESCRIBE. MOST SIMPLY, H.R. 5788 RETURNS JURISDICTION OVER FIXED-SITE AMUSEMENT RIDES TO THE COMMISSION, COMPARABLE TO WHAT IT HAD BEFORE THE FIXED-SITE SEGMENT OF THE INDUSTRY BAMBOOZLED CONGRESS IN 1981 TO EXEMPT SUCH RIDES.

THE SIMON-HYDE BILL IS, IN MY VIEW, FAR TOO LIMITING. PERHAPS IT STEMS FROM A MISUNDERSTANDING OF PRECISELY WHAT COMMISSION JURISDICTION ENTAILS, AS SET FORTH ABOVE. INSPECTION OF RIDES IN ADVANCE IS NOT SOMETHING CPSC TYPICALLY DOES. WE CAN'T -- WE DON'T HAVE ANYTHING LIKE THE RESOURCES AND PERSONNEL THAT SUCH INSPECTIONS WOULD REQUIRE. THAT ACTIVITY IS BEST PERFORMED BY THE STATES, OR BY LOCAL AUTHORITIES.

BUT UNDER H.R. 5790, CPSC WOULD BE PROHIBITED FROM SENDING INVESTIGATORS TO ACCIDENT SITES IN STATES WHICH HAVE INSPECTION PROGRAMS. THERE IS A FATAL FLAW TO THE LOGIC OF THIS BILL -- THE ASSUMPTION IS THAT IF A STATE REQUIRES INSPECTIONS IN ADVANCE OF A RIDE OPENING UP, THERE IS NO NEED FOR COMMISSION INVOLVEMENT IF AND WHEN A TRAGEDY OCCURS. NOT SO. FACED WITH A TRAGEDY, THERE IS EVERY NEED FOR A FEDERAL AGENCY LIKE CPSC, WITH EXPERTISE IN THE AREA, TO ASSIST IN THE ANALYSIS OF THE ACCIDENT, CONVEY THE FINDINGS AND RECOMMENDATIONS TO OWNERS AND OPERATORS OF SIMILAR RIDES ACROSS THE

COUNTRY, AND DEVELOP A CORRECTIVE ACTION PLAN FOR ALL SUCH RIDES.

WHY BAR THE COMMISSION FROM USING ITS ENGINEERING AND HUMAN FACTORS EXPERTISE, AS WELL AS ITS COMPLIANCE AND ENFORCEMENT POWERS THAT COULD EXTEND TO SIMILARLY-SITUATED RIDES ANYWHERE IN THE U.S.? THERE IS NO VALID REASON, WHEN OUR ROLE COULD ONLY ASSIST THE AUTHORITIES IN THE STATE WHERE THE ACCIDENT OCCURRED, BENEFIT OWNER/OPERATORS OF LIKE RIDES, AND PERHAPS AVERT FURTHER TRAGEDY IN THOSE OTHER LOCATIONS.

H.R. 5982, REPRESENTATIVE GUARINI'S BILL, WOULD HAVE THE EFFECT OF BROADENING THE COMMISSION'S JURISDICTION TO "ANY AMUSEMENT BUILDING OR OTHER FACILITY WHICH IS LOCATED ON THE SAME PREMISES AS AN AMUSEMENT DEVICE...." IT IS MY UNDERSTANDING THAT THE INTENT OF HIS EFFORT IS TO COVER THE "HAUNTED HOUSE" TYPE OF ATTRACTION — TECHNICALLY NOT A "RIDE" -- WHICH WAS RESPONSIBLE FOR 8 DEATHS IN NEW JERSEY LAST MAY. BUT I BELIEVE THE LANGUAGE OF THE BILL MAY BE TOO BROAD. IT COULD POSSIBLY BE READ AS EXTENDING OUR POWERS TO FOOD CONCESSIONS, RESTAURANTS, RESTROOMS AND THE LIKE, WHICH I DON'T BELIEVE WAS HIS INTENT. WE HAVE NO PARTICULAR EXPERTISE IN THESE AREAS, AND TO CONCEIVABLY EXTEND JURISDICTION IN THIS WAY MIGHT DILUTE OUR EFFECTIVENESS. MOREOVER, MANY OF THE HEALTH AND BUILDING CODES CURRENTLY ADMINISTERED AT THE LOCAL AND STATE LEVELS WOULD COVER THESE STRUCTURES.

TO BETTER GET AT REPRESENTATIVE GUARINI'S INTENDED TARGET, I SUGGEST ADDING A SIMPLE PROVISO TO THE EFFECT THAT: "NOTHING IN THIS SUBSECTION PRECLUDES THE COMMISSION FROM INVESTIGATING THE CIRCUMSTANCES OF INJURY OR DEATH ASSOCIATED WITH AN AMUSEMENT PARK ATTRACTION FOR WHICH AN ENTRY FEE OR ITS EQUIVALENT IS PAID." AGAIN,

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THE PURPOSE WOULD BE TO ASSIST LOCAL OFFICIALS IN THEIR ANALYSIS OF THE CAUSE OF A TRAGEDY, AND TO HELP AVERT ANY SUCH RECURRENCE IN SIMILAR STRUCTURES ACROSS THE NATION.

CPSC JURISDICTION

CONTRARY TO THE PICTURE PAINTED BY CRITICS OF AN EXPANDED CPSC ROLE FOR FIXED-SITE RIDES, INCLUDING MY COLLEAGUE COMMISSIONER SCANLON, RESTORING JURISDICTION WOULD NOT RESULT IN DROVES OF FEDERAL INSPECTORS SWOOPING DOWN [illegible] SOME OF THE 660 PERMANENT AMUSEMENT PARKS IN THE U.S. WE DO NOT HAVE STAFFERS POISED WITH PENS TO DRAFT REGULATIONS. WE HAVE NEITHER THE DESIRE NOR THE RESOURCES TO PURSUE THAT COURSE. THAT'S JUST A RED HERRING.

FEDERAL JURISDICTION IS NEEDED SO THAT, WHEN ANY TRAGEDY OCCURS — REGARDLESS WHETHER ON A MOBILE OR FIXED-SITE RIDE — A TEAM OF ENGINEERS CAN HELP IDENTIFY DESIGN OR STRUCTURAL FAILURES AND THEREBY AVERT FURTHER DISASTER WITH THE SAME OR SIMILAR RIDE IN OTHER LOCATIONS. THAT'S NO DIFFERENT FROM WHAT THE NATIONAL TRANSPORTATION SAFETY BOARD DOES FOR ANY AIRLINE CRASH, OR ANY MAJOR RAIL, TRUCK, OR SCHOOL BUS DISASTER.

ABSENT A FEDERAL ROLE, NO LOCAL OFFICIAL OR STATE AUTHORITY CAN COMMUNICATE EFFECTIVELY ACROSS STATE LINES WITH PARK OWNERS, RIDE MANUFACTURERS AND OPERATORS, AND OTHER STATE AND LOCAL OFFICIALS ABOUT POTENTIAL HAZARDS OR ACTUAL TRAGEDIES INVOLVING THRILL RIDES. CPSC CURRENTLY ACTS AS A CLEARINGHOUSE FOR STATES ON MOBILE AMUSEMENT RIDE INCIDENTS. WE ARE ABLE TO LEND TECHNICAL EXPERTISE TO STATES AND LOCALITIES WHEN RESOURCES PERMIT, ISSUE BULLETINS ON HAZARDS UNCOVERED

DURING INVESTIGATIONS, AND INFORM STATE OFFICIALS OF ANY CORRECTIVE ACTION PLANS WE HAVE ISSUED FOR MOBILE AMUSEMENT RIDES. THIS WORK WOULD BE EXPANDED TO INCLUDE FIXED-SITE AMUSEMENT RIDES IF JURISDICTION WERE RETURNED TO CPSC.

RESTORED JURISDICTION WOULD ALSO MEAN THAT CORRECTIVE ACTION PLANS WOULD APPLY TO ALL RIDES AND WOULD PROVIDE INCENTIVES TO ANY RECALCITRANT FIRM TO DEVELOP ADEQUATE VOLUNTARY EFFORTS. IT WOULD ALSO PROMOTE ENHANCED ATTENTION TO SAFETY AND TO PROPER MAINTENANCE AND INSPECTION PROCEDURES IN ADVANCE OF ANY INCIDENT OCCURRING.

RESTORED JURISDICTION WOULD ALSO MEAN THAT, PURSUANT TO SECTION 15 OF THE CONSUMER PRODUCT SAFETY ACT, FIXED-SITE RIDE MANUFACTURERS, OWNERS AND OPERATORS WOULD ALSO BE REQUIRED TO NOTIFY THE COMMISSION IMMEDIATELY IF THEY COME ACROSS INFORMATION SUGGESTING THAT A RIDE MAY PRESENT A SUBSTANTIAL PRODUCT HAZARD -- JUST LIKE ANY OTHER MANUFACTURER, RETAILER OR DISTRIBUTOR OF OTHER CONSUMER PRODUCTS, AND JUST LIKE THE MANUFACTURERS, OWNERS AND OPERATORS OF MOBILE RIDES. THE FIXED-SITE SEGMENT OF THIS INDUSTRY CAN ONLY SERVE THEIR OWN BEST INTEREST, AND THAT OF THE AMERICAN PEOPLE, BY EARLY REPORTING OF POSSIBLE HAZARDS OR DEFECTS.

THIS IS WHAT CPSC JURISDICTION NOW MEANS FOR SOME 15,000 OTHER PRODUCTS, INCLUDING MOBILE AMUSEMENT RIDES. AND THE AFFECTED INDUSTRIES APPEAR TO HAVE LITTLE OR NO PROBLEM WITH IT. THEY ARE ALL PLAYING BY THE SAME RULES. AND IT'S TIME TO BRING THE ENTIRE AMUSEMENT RIDE INDUSTRY BACK INTO THE PICTURE, IF WE'RE TO PROMOTE IMPROVED SAFETY AND RESTORE THE CONFIDENCE OF THE AMERICAN PUBLIC IN THESE RIDES.

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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TESTIMONY OF VICE CHAIRMAN SAUNDRA BROWN ARMSTRONG
before the
Subcommittee on Health and the Environment
of the
House Committee on Energy and Commerce
on
H.R. 5788, H.R. 5790, and H.R. 5982

August 6, 1984

I would like to thank the Subcommittee for this opportunity to present my comments on H.R. 5788, H.R. 5790, and H.R. 5982; legislation which, among other things, restores to the Consumer Product Safety Commission jurisdiction over amusement park devices. The comments presented in this testimony are my personal views.

BACKGROUND

The Commission became involved with amusement rides in the mid-1970s, as it became increasingly aware of incidents resulting in injuries and deaths. From the beginning, the Commission's work in the amusement ride area has been modest and essentially reactive. Although the Commission staff investigates incidents as they occur and works to prevent similar occurrences in the future, the Commission has never had the resources -- money or personnel -- to prevent all amusement ride incidents. For a variety of reasons, in my estimation, an expectation of such prophylactic effect may be unrealistic.

Commission research and experience, as well as testimony presented by representatives of the amusement ride industry at the May 10, 1984, meeting of the Commission, indicate various underlying causes of amusement ride accidents, including: product failure; operator error; inadvertent rider mishap; and rider misbehaviour.

incidents often occur as a result of a combination of these factors and, consequently, are frequently neither predictable nor preventable. Thus, while additional resources would be necessary to augment Commission response capabilities to encompass additional responsibilities related to fixed-site amusement rides, resources alone are not, in my opinion, a suitable measure by which the Commission's effectiveness with respect to accident prevention can be realistically gauged.

To my knowledge, there is no evidence to suggest that the Commission was able to make remarkable achievements in eliminating most of the causes of these accidents, even in earlier years when it had a greater staff complement and a larger budget. At best, the Commission and the state authorities, working together cooperatively and working with the industry, can hope to reduce the number of incidents and severity of the injuries.

This is not to say, however, that the Commission has not achieved results in the area of amusement ride safety. The Commission staff investigates and, where appropriate, works to prevent similar occurrences. The Commission has become the national clearinghouse for an information exchange among the states and between the industry and governments at all levels. In addition, the Commission works with manufacturers of the rides and the owners and operators in various ways (*e.g.*, development of voluntary standards).

With this brief background of the Commission's involvement, I would like to turn to my analysis of each bill now before this Subcommittee. Each is discussed in turn.

H.R. 5788:

If enacted, H.R. 5788 would amend section 3(a)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2052(a)(1), which contains the definition of "consumer product." By adding the phrase "and which is permanently or not permanently fixed to a site," this bill would codify the judicial decisions that affirmed the Commission's jurisdiction over amusement rides without reference to the mobility of the devices. State Fair of Texas v. U.S. Consumer Product Safety Commission, 650 F.2d 1324 (5th Cir. 1981), aff'g in part and rev'g in part, 481 F.Supp. 1070 (N.D. Tex 1979); Robert K. Bell Enterprises, Inc. v. Consumer Product Safety Commission, 484 F.Supp. 1221 (N.D. Okla. 1980), rev'd., 645 F.2d 25 (10th Cir. 1981); Consumer Product Safety Commission v. Chance Manufacturing Company, Inc., 441 F.Supp. 228 (D.D.C. 1977).

The bill returns the Commission to the status quo ante the 1981 amendments. In so doing, it resurrects, without resolving, the question of the Commission's authority to inspect fixed-site amusement rides, a point in dispute prior to the 1981 amendments. Section 16(a)(1) of the CPSA, 15 U.S.C. § 2065(a)(1), provides that the Commission can enter and inspect, with certain safeguards, "(A) any ... establishment in which consumer products are manufactured or held, in connection with distribution in commerce ... ." The issue prior to 1981 was whether a permanent site amusement park is a place of manufacture or other location amenable to Commission inspection. H.R. 5788, unlike the other two bills being considered today by this Subcommittee, does not address the issue of the Commission's inspection authority.

At present, the Commission experiences little difficulty inspecting mobile amusement rides because the definition of "manufactured" encompasses "manufacture," "assemble," and "produce." Section 3(a)(8) of the CPSA, 15 U.S.C. § 2052(a)(8). However, this experience has been in the context of mobile amusement rides, which are clearly "assembled" at each location. Whether the same argument, or some variation thereof, would prevail to authorize the inspection of fixed-site amusement rides has been the subject of some dispute.

H.R. 5790:

If enacted, this bill would amend both section 3(a)(1) (definition of "consumer product") and section 16(a) (inspection authority) of the CPSA.

A. Definition of "Consumer Product"

Section 1(a) of H.R. 5790 would amend section 3(a)(1) of the CPSA to preclude standard-setting and banning action by the Commission. Amusement rides and their manufacturers, distributors, and retailers would remain subject to all other provisions of the CPSA.

While the purpose of this amendment is unclear, its net effect would be to deprive the Commission of two important tools that could, at some future point, be required to protect the public from an unreasonable risk of injury. The possibility of mandatory regulation frequently serves as an inducement to the development of a voluntary standard and leverages the agency's position in compliance negotiations. Therefore, it may be precipitous to restrict the Commission's authority from the outset.

Further, granting this exemption from regulation appears to be unprecedented under the Consumer Product Safety Act. In my opinion, the precedent of selectively exempting products from the standard-setting and banning provisions of the CPSA requires careful study. It may prove to be difficult, if not impossible, to distinguish other products from amusement rides in the future.

B. Inspection Authority

There are two distinct components of the proposed amendment to section 16(a). I discuss each separately.

Section 2 of H.R. 5790 would add a new subsection 16(a)(2) to the CPSA, which would provide that:

> Officers and employees duly designated by the Commission may inspect, at reasonable times and in a reasonable manner --
>
> (A) the site of any accident in which there was personal injury and which involved a consumer product, and
>
> (B) any consumer product involved in such an accident.
>
> Such an inspection may only be made upon presenting appropriate credentials and a written notice of inspection from the Commission to the owner, operator, or agent in charge of the site or product to be inspected. Each such inspection shall be commenced and completed with reasonable promptness.

These provisions appear to present several questions related to the intended breadth of the proposed amendment and its impact on both the Commission and the public:

(1) This proposal encompasses the Commission's inspection authority with respect to all consumer products, and is not limited solely to amusement rides.

(2) If enacted, the amendment would restrict the general inspection authority of the Commission to those instances in which there has been "personal injury" (presumably, including a death). This is a significant revision because at present the Commission's "inspection" activities embrace a wide variety of on-site "visits" to collect information about consumer products and human interaction with these products. Many incidents which trigger "inspections" involve narrow escapes or simple property damage which, while not injury-producing in this instance, have a high potential for causing injury or death (e.g., fires). As written, this bill would appear to call into question the Commission's ability to "inspect" to determine the cause of such incidents.

(3) The restriction of the Commission's "inspection" authority to those instances in which a "personal injury" has occurred could be interpreted to obviate or to limit severely the Commission's existing authority to "inspect" sites and consumer products for the purpose of (a) monitoring the implementation of remedial action plans; (b) determining whether similar products have the identified problem; and (c) ascertaining compliance with mandatory and voluntary standards. This reading is possible due to the tenet of statutory construction that a specific provision (here, the proposed limitation on inspection) prevails over the general (here, the existing grant of authority to inspect).

(4) The proposal creates something of an anomoly. At present, the Commission investigators are permitted to enter areas open to the public and to observe things open to public view (this is sometimes referred to as the "plain view" doctrine). They need not inform

anyone of their presence and may incorporate their observations into inspection reports. Thus, just like other members of the public, Commission investigators can make visual "inspections" of accident sites without formalities. Under the bill as drafted, however, it is unclear whether the Commission investigators retain this right because of the apparent requirement that an announcement of their presence and a written notice of inspection precede any inspection.

(5) If enacted, section 2 of H.R. 5790 could have unexpected and direct consequences for consumers. */ At present, a consumer may, and frequently does, refuse a Commission request for access to a consumer product. The proposed amendment, however, would appear to remove the element of consumer discretion and confer upon the Commission authority to "inspect" consumer products that have been involved in injury-producing incidents, irrespective of the location of those consumer products. With this grant of authority, the Commission could obtain a warrant of inspection and thus require the consumer-owner of such a consumer product to allow the Commission to "inspect" the product.

(6) The meaning of "involved," as used in section 2 of the bill, is unclear. For example, it could mean "associated with," "causally

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*/ Section 16(a) of the CPSA, as now written, permits Commission "inspection" of business premises where consumer products are manufactured, distributed, or sold. Consequently, the Commission is empowered to enforce that inspection right by obtaining a warrant of inspection. Marshall v. Barlow's, Inc., 436 U.S. 307 (1978); see also State Fair of Texas v. U.S. Consumer Product Safety Commission, 650 F.2d 1324 (5th Cir. 1981). There is no similar "inspection" authority with respect to either consumer products per se or the sites of injury-producing incidents.

connected," or "caused by." Each connotes a different level of product responsibility for the injury-producing incident.

Section 1(b) of the bill would add the following provision at the end of section 16(a):

> Officers and employees of the Commission may make inspections under this subsection with respect to amusement devices permanently fixed to a site only if the government of the State in which such inspections would be carried out does not have the authority to make such inspections.

Although the apparent purpose of this amendment is to preclude Commission inspection of the fixed-site amusement rides themselves, the language of the amendment is much broader. Because the amendment specifically references and limits all of subsection 16(a), it also modifies the Commission's existing authority to inspect factories, warehouses, and establishments where consumer products are manufactured, distributed, or sold.

This revision, if enacted, would present many difficult issues:

(1) Assuming the bill envisions an express state safety inspection authority (which is by no means clear), the meaning of "government of the State" should be clarified. Both states and their political subdivisions (e.g., counties, municipalities) may have express inspection authority with respect to different aspects of fixed-site amusement rides. Moreover, states may delegate their inspection authority to their political subdivisions. Consequently, it is important to clarify whether the Commission's inspection authority would be precluded by local ordinance as well as state statute.

(2) There appears to be wide variation in inspection authority from one state to another. Consequently, it is important to clarify the type of express state inspection authority that would preclude Commission inspection. If a state requires inspection when the ride is initially erected (something akin to a building permit inspection) but does not require subsequent inspection, would that preclude Commission inspection? If a state requires inspection of only a portion of the ride (e.g., the electrical system), would that preclude Commission inspection in general or merely as to the portion inspected by the state? If the state requires inspection for reasons other than consumer safety (e.g., occupational safety), would that preclude Commission inspection? These issues are critical in determining the degree to which the Commission must become familiar with the states' authorities inasmuch as the Commission would not be allowed to make these inspections if the government of a state has authority to make inspections.

(3) State inspection authority may be a constantly changing situation. This bill would appear to require the Commission to continuously monitor the legislative activity of each of the 50 states in order to monitor legislation that would affect the state's (and, therefore, the Commission's) inspection authority.

(4) The proposal leaves to the individual states the inspection of fixed-site amusement rides. However, H.R. 5790 does not appear to take into account the wide variance in the effectiveness and enforcement capabilities of state inspection programs, but appears to assume a high level of state involvement flowing from the mere fact of

state authority. An unknown number of states have at least one agency (e.g., coroners, police) with authority to inspect, but without the authority (or expertise) to determine the cause of the incident and then to take remedial action. It appears that the Commission could not conduct its own inspection in those states where this limited state inspection authority exists.

(5) Although the ostensible intent is to scrutinize the inspection authority of the state in which the ride is located, as a practical matter, the proposal may require more. The Commission's authority to conduct on-site inspection of the company manufacturing, distributing, or importing the amusement ride appears, likewise, to be limited by the inspection authority of the state in which such manufacturer, distributor, or importer is located. Although it is a simple matter to identify the state in which a fixed-site amusement ride is located for purposes of these inspection provisions, that determination may be more difficult with respect to the location of the manufacturer, distributor, or retailer of that ride. Determining the location of the firm, in turn, could involve the Commission in issues of state corporate law and of state conflict of laws principles.

As the Commission at present inspects both the amusement ride and the manufacturer's premises, these complexities and uncertainties could well create problems.

(6) There is no assurance that a state will exercise its authority and conduct an inspection. This would leave the Commission without information and without inspection authority.

H.R. 5982:

If enacted, H.R. 5982 would amend both section 3(a)(1) (definition of "consumer product") and section 16(a) (inspection authority) of the CPSA.

A. Definition of "Consumer Product"

Section 1 of the bill would delete references to amusement rides permanently fixed to a site. It would add a provision that "consumer product"

> also includes any amusement building or other
> facility which is located on the same premises
> as an amusement device described

in section 3(a)(1) of the CPSA. */

This provision raises difficult definitional and scope issues. While the precise extent of the potential impact is unknown, this amendment would extend the Commission's jurisdiction into areas that are ostensibly well beyond the intended scope of this amendment.

The key phrases "amusement building" and "other facility ... located on the same premises" are undefined and, therefore, vague in terms of intended reach. If the definition of consumer product is amended to include this proposal, without modification or definition, the broadly-worded phrase "other facilities" would conceivably authorize the Commission to regulate structures that have nothing to do with amusement, but which happen to be located "on the same premises" (*e.g.*, employees' locker rooms, restaurants or food service areas, parking areas).

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*/ For purposes of this discussion, I am assuming that the language "which is located on the same premises as an amusement device" is intended to and does modify both "amusement building" and "other facility." Any other interpretation could have significant ramifications for the scope of the Commission's jurisdiction.

B. Inspection Authority

Section 2(a) of H.R. 5982 would amend section 16(a)(1) to add a provision allowing the Commission

> (3) to inspect, at reasonable times and in a reasonable manner, amusement devices described in section 3(a)(1) and amusement buildings or other facilities located on the same premises as such devices. Each such inspection shall be commenced and completed with reasonable promptness.

If enacted, this portion of the proposed amendment would resolve the controversy about the Commission's authority to inspect amusement rides by an express grant of authority. However, this language raises the same questions concerning the meaning and scope of "amusement buildings or other facilities located on the same premises" as discussed above.

Section 2(b) of the bill would add a new section 16(a)(2) to the CPSA:

> (2) Officers and employees duly designated by the Commission may inspect, at reasonable times and in a reasonable manner --
>
> (A) the site of any incident in which there was personal injury and which involved a consumer product, and
>
> (B) any consumer product involved in such an incident.
>
> Such an inspection may only be made upon presenting appropriate credentials and a written notice from the Commission to the owner, operator, or agent in charge of the site or product to be inspected. Each such inspection shall be commenced and completed with reasonable promptness.

If the only purpose of section 2(b) of the bill is to permit the Commission to inspect fixed-site amusement rides, it is redundant in light of the broad inspection power granted under section 2(a) of the bill, quoted above. The specific authority to inspect after an accident (section 2(b) of the bill) would seem to be subsumed in the general grant of authority to inspect amusement rides under all circumstances (section 2(a) of the bill).

If the bill is enacted as written, there is a possibility of confusion as to which provision governs in a given situation. Under the principle of statutory construction that the specific, narrow provision prevails over the general provision, it is possible that the narrower provision as reflected under section 2(b) of the bill, would be applied and, thus, prevent Commission inspection that would otherwise be permitted by section 2(a) of the bill (*e.g.*, non-"personal injury" incidents).

On the other hand, if the intent is to embrace all consumer products, section 2(b) of H.R. 5982 raises the same issues as discussed above at 5-8, with respect to section 2 of H.R. 5790.

CONCLUSION

Although I do not know the impetus behind the introduction of these three bills, I am aware that several amusement ride-related incidents have occurred in the recent past, some of them reportedly involving fixed-site amusement rides. I am concerned, therefore, that there may be a public perception that restoring the Commission's jurisdiction over fixed-site amusement rides will eliminate or markedly reduce injuries because the Commission will use its authority to prevent incidents and assure the safety of the amusement rides. This may be a misconception.

The Commission's efforts related to amusement rides, both prior to the 1981 amendments and at present, have been primarily reactive due to practical considerations, not the least of which are limited Commission resources and staff; the variety and technical complexity of amusement rides; and the widely-scattered locations of amusement rides. These factors have led the Commission to focus primarily on investigation of catastrophic incidents and monitoring of remedial action programs in section 15 cases. I cannot, at present, foresee a change in the Commission's basic approach to the issue of amusement ride safety, the scope of the agency's jurisdiction notwithstanding.

Irrespective of which bill or version is enacted, any Congressional decision to expand the Commission's jurisdiction will have an immediate and definite impact on the Commission's operations and the present balance of resources. While the operating plan and budget for Fiscal Year 1985 include allocations for compliance and enforcement functions as necessary to address the safety of mobile amusement rides, it is my impression that additional resources would be necessary for a minimum-level program which would permit the Commission to react to fixed-site amusement ride incidents after-the-fact. If it is the case that H.R. 5788, H.R. 5790, and H.R. 5982 envision a more aggressive approach aimed at achieving prophylactic effects, the Commission would require an even greater amount of supplementary resources.

In any event, the effectiveness and expediency of the Commission's response to the clarion call for the improvement of amusement ride safety, in my opinion, will largely depend on the scope and clarity of Congress' grant of jurisdiction, the availability of resources, and the susceptibility of the underlying causes of accidents to remediation.

I thank the Subcommittee for this opportunity to present comment on the pending legislation. I will be pleased to answer any questions any members of the Subcommittee may have.

Thank you.

Mr. Waxman. Thank you very much, Mr. Statler.

Ms. Steorts, I want to ask you some questions. The Consumer Product Safety Commission has jurisdiction if a ride that is in a traveling circus or in some sort of amusement park that is not permanently located, has a problem or a defect, or if there is some injury occurring there for some reason or another.

But if a ride is in a fixed-site amusement park you have no jurisdiction. If you find out about a problem on a particular ride in one of these traveling amusement parks, are you able to find out and deal with the fixed-site amusement park that may have the exact same ride.

Ms. Steorts. Mr. Chairman, the answer to that question is no. And let me give you an example of the Enterprise ride that had the tragedy in Dallas. That was a mobile ride at the State Fair of Texas. At that State Fair they had both mobile rides and fixed-site rides. The Enterprise was a mobile ride. The Enterprise on some amusement parks is a fixed-site ride. Because of the fact that it was a mobile ride at the State Fair of Dallas, our investigators from our Southwest region in Dallas were on the site of that tragedy immediately.

In addition, we had our engineers from Washington fly down almost immediately to take a look at that situation to review it, to break the ride down. And they were down there for several weeks working on that particular investigation. At the end of that investigation the investigators then came back to us in Washington at a Commission meeting. The Commission then decided what it was going to do about that particular problem ride. We then came up with an interim corrective action program that meant that that particular ride would be improved structurally, it would have a very tough maintenance and inspection program, and all of that was then communicated to the other mobile site rides, the other Enterprise attractions that were on mobile sites.

The CPSC could have done nothing if that Enterprise ride was on a fixed site, which just to me is ludicrous. In addition, shortly after we had that tragedy in Dallas we then notified immediately the other mobile ride operators that there had been a problem in Dallas and we discovered three rides that were about to open, in Florida and in Georgia. One did not open because of our inspection of it. One corrected the problem, and one did open because the ride was OK. But we could do nothing about the other Enterprise rides at fixed sites.

Mr. Waxman. The reasoning behind the change in the law was that if there is a mobile amusement park like a State Fair, there may not be any jurisdiction of Government looking at it. But if there is a fixed-site amusement park, the State or local government would most likely take over that jurisdiction and watch out for the safety of their local people.

So, the theory was we give you jurisdiction over some rides but not others. Now, we find, however, that if you discover a problem in a ride in a traveling circus, you can't even communicate it to the people that run the exact same ride in a theme park. And if there is an injury in a theme park because of one of the rides, you don't hear about it so that you can communicate it to the people that are running an amusement park that is traveling from one location to another.

It seems to me what we have done is created a great big hole through which a lot of information is falling, and therefore nothing is being done in traveling circuses and amusement parks and fixed theme parks, to maximize the safety of the public.

Ms. STEORTS. That is indeed correct, Mr. Chairman.

Mr. WAXMAN. Mr. Scanlon disagreed with you and Mr. Statler's views. He didn't think that you ought to have that jurisdiction.

Mr. Scanlon, would you think you shouldn't have the jurisdiction for the traveling circuses and amusement parks, either?

Mr. SCANLON. No; I think we need that jurisdiction. They are in one locality for a day, week, or a weekend, and they are gone. I think Federal controls there are appropriate.

Mr. WAXMAN. Then how do you feel about the problem of not being able to fully communicate back and forth, if one problem of a ride happened to be in a mobile traveling amusement park as opposed to one in a fixed park?

Mr. SCANLON. Admittedly that is a problem. We do share information among the mobile ride owners we know of. So that information is shared. We share our information with all the States. We also log what each State is doing, whether they have a full inspection program, or whether they have an insurance program, or whether they have a combination or both. So that kind of information is shared. We became involved recently in the voluntary standards activity of ASTM in Philadelphia. We had not been prior to this. This is an ongoing program which addresses a number of issues that relate to amusement ride safety. I would like to submit that for the record, if I may, Mr. Chairman.

Mr. WAXMAN. Now when we adopted a change in Consumer Product Safety Commission's jurisdiction it was on the assumption that the States would take over the responsibility for inspection and regulation. Do you know whether the States have moved to take over more of those regulatory functions since we changed the law in 1981?

Mr. SCANLON. Some have, I am advised. I think about eight have adopted programs in the last couple of years, including some large populated States.

Mr. WAXMAN. Ms. Steorts, do you have some information on that?

Ms. STEORTS. Mr. Chairman, there are 25 States today that have no authority or jurisdiction at all over the mobile or fixed-site rides, and I just think that is appalling.

Mr. WAXMAN. One of the States I noticed that has no regulation at all is the State of Virginia. Now my children are with me in Washington while I am in Congress and they might go to an amusement park in Virginia. I would think that the State is regulating that ride; yet, in fact, they are not concerned about that ride at all.

They are not inspecting or regulating the rides. They cannot respond to complaints where an injury has occurred nor can they assure that defects are corrected. Yet, I am being asked under this Federal law to rely on the State of Virginia, where I am not even a citizen of the State of Virginia, to protect my children if they are going to Virginia for that ride.

Ms. **Steorts**. As you know, there are several major theme parks in Virginia, but most consumers, both little and large ones, assume when they get on that ride that that ride has been inspected, that the ride is maintained and that that child or the parent will have a day of fun; and indeed they may have a day of fun. But indeed that ride may not have been inspected and could have a very serious problem.

We at the Consumer Product Safety Commission, if it is a theme park, a fixed-site ride, we can do absolutely nothing about that. And that is where I think the major problem is, and that is why I think that if we did have authority, it would be like the carrot and stick approach. We would have the threat of regulation. We would have the threat of an investigation.

And I think the industry would be a little more concerned about really doing those inspections on a very regular basis and being sure that equipment is up to par.

Mr. **Waxman**. Let's put the whole problem in perspective. I think it is accurate to say that most amusement parks are quite safe and, in fact, some of the well-known amusement parks take a great deal of care to protect the public that comes to those facilities. Disneyland was one. Mr. Scanlon cited where they do an inspection daily because they are concerned about any liability, and they are concerned about the public protection.

But there are some amusement parks that are not well established or as financially secure. Some of those amusement parks may well want to cut corners, and if the State is not regulating them and the Federal Government is not regulating them, the public may well find that those amusement parks are going to have rides that are not as safe as they should be.

Isn't that an accurate statement, Mr. Statler?

Mr. **Statler**. That is exactly accurate, and it is even more complicated than that, however. Because even with the fixed site theme parks that do a great job of inspection, as with some of the best manufacturers in the United States of automobiles or consumer appliances or anything else, you name it, there are going to be accidents that occur and when those accidents occur, I think the American public wants the assurance that there will be an investigation, an objective investigation to determine the cause, whether it is at Disneyland or Six Flags or anywhere else in the country. An objective investigation should be followed by, if there is a problem with similar or like rides around the country that happen to be in the Disneyworlds or the Disneyland or the Six Flags, with an effort to make sure that those other rides are also repaired, or are also corrected.

Mr. **Waxman**. Now, in the case of Jim Shaughnessy, he was on this ride called The Edge. And after his accident, he found out that some other incidents had occurred previous to the tragedy that took place with him and his friends. When those other incidents occurred, if you had had jurisdiction, wouldn't the owners of the amusement park have reported to you so you, at least, would have known that there was a problem and you could have started some investigation?

Ms. Steorts, what would have been the situation there?

Ms. STEORTS. Yes. It would have been up to the amusement park to report that to the Consumer Product Safety Commission, and then we would have done the followup.

Mr. WAXMAN. But because you have no jurisdiction now, the park wasn't under any obligation to report the incident to you or anyone else?

Ms. STEORTS. That is absolutely right. We also would have because we have, our office in Chicago, we would have probably been on site immediately talking with the operators, talking with the theme park and probably could have put together a very cooperative corrective action program.

Since I have been chairman, Mr. Chairman, we have had very cooperative working relationships with most of the industry. As Commissioner Statler said, I don't understand why this industry is so afraid of the Consumer Product Safety Commission having authority over this.

I would also like to say that I have some of our in-depth investigation reports here with me. One from California as an example, where in January a 48-year-old female was riding Bobsled. The seatbelt came loose, the victim fell out, the victim died.

We cannot even do an investigation on that. Maybe if we had done the investigation, we could have worked with the theme park and it could have been corrected very easily, and it could have been communicated to the others that had similar rides and the problem could have been resolved effectively and hopefully to the benefit of the American consumer.

Mr. SCANLON. Could I correct one thing, if I may, Mr. Waxman? To my knowledge, we haven't received any reports this calendar year on mobile ride problems and I think it is the same for 1983, on section 15 reports

So I don't want to leave the illusion here that if we were to get this kind of authority that these reports would come in to us. We are not getting them now.

Mr. WAXMAN. Well, I will try to put it in perspective. Most of these amusement park rides are safe almost all the time, and most of the people who run them are responsible and are trying to make them as safe as possible. Except accidents do occur, and when an accident does occur, someone ought to know about it so that they can find out why it happened, to prevent it from happening again, not just at that site, but at other sites where the same ride may be located.

And it doesn't make a lot of sense to a parent to be told that it was just too bad that your kid got hurt at a ride because it was at a fixed-site amusement park and the Federal Government didn't have jurisdiction there but had he gone to a mobile traveling amusement park, we would have tried to protect him. It just seems to me we have a stronger obligation than that.

I want to move on to recognize the other members of the subcommittee and then maybe some of the other points could be brought out.

Mr. Nielson.

Mr. NIELSON. Thank you, Mr. Chairman.

Mr. Scanlon, you mentioned that there haven't been any reports on section 15 of the mobile rides. What have you done to enforce the reporting or to encourage the reporting, if anything?

Mr. SCANLON. Well, we do encourage reports. My guess is that the mobile ride owners weren't aware of any problems, that is why they didn't report. That is a best guess, and what I am saying to the chairman is that I would have the same concerns if the CPSC were given more jurisdiction to go into the fixed-site activity.

Mr. NIELSON. When we had this bill before us a year ago, the bill on CPSC, we talked about the mechanical bulls and all the problems we have had with that, and yet you have had no reports of any kind since 1981? Doesn't that seem strange to you, that you have not had reports directly on this area?

Mr. SCANLON. The reports that I am referring to now, Mr. Nielson, are only those on amusement rides, and both water slides and mechanical bulls are excluded from those figures.

Mr. STATLER. Mr. Nielson, I think there is a problem in reporting here, and part of the problem here is our difficulty with the resources we have to be able to follow up. I asked the staff the other day why we didn't have any section 15 reports, and basically we have got one person assigned to that responsibility for 15,000 products.

Mr. NIELSON. Over a 3-year period, shouldn't there have been some reports?

Mr. STATLER. There should have been quite a number.

Mr. NIELSON. One of the reasons we had problems with this last year, as you recall, is the fact that the statement was made, I think, by Mr. Scanlon and others corroborated that while you didn't have enough time or energy or staff to handle the mobile rides, how could you add the fixed rides to your agenda? That was one of the criticisms made at that time. Am I correct?

Mr. SCANLON. That is my viewpoint, yes, sir.

Ms. STEORTS. Congressman Nielson, if I also might enter here. Since that meeting, we have had a very important meeting with the amusement ride operators, the industry, the insurance agents, the State fair officials on this very important subject of amusement rides. I think today that there is much more national attention being put on the amusement rides.

I think that the industry, the operators and the owners of these rides are much more aware of the interest and concern of the Consumer Product Safety Commission in this very major issue, and I think that we will see through our increased efforts on our section 15 program, we will see an increase in the number of reports that we are going to be getting.

Mr. NIELSON. Let me ask you another question. You have had 50 in-depth investigations by the CPSC of facilities since 1979. How many of those 50 involved ride defects as a percentage perhaps? How many of the 50 in-depth investigations involved ride defects?

Ms. STEORTS. I will supply that answer for the record.

[The following information was submitted for the record:]

Since 1979, 139 in-depth investigations of amusement ride accidents/incidents have been assigned. These investigations resulted in preliminary determinations by the Commission staff that 14 different rides contained defects which resulted in substantial product hazards as defined by section 15 of the Consumer Product Safety

Act. Many other investigations revealed problems associated with amusement rides or their operation which fell short of being substantial product hazards or which did not necesitate corrective action under section 15. In many cases, design, lack of maintenance, operator error, rider's actions or a combination of these factors contributed to the accident. The commission staff has issued bulletins to the state amusement ride officials advising them of these problems so that they can take necessary action to prevent them from happening again.

In 33 of the 139 incidents investigated, we believe the injuries were at least partially due to rider actions.

Mr. NIELSON. Do you have any idea of what percentage?

Ms. STEORTS. There is a difference of opinion here. The industry says 92 percent relate to rider misbehavior. We had an all-day seminar and the State inspectors testified and indicated that from their experience, they thought it was about one-third rider misbehavior, one-third repair and maintenance problems and one-third equipment failure or design flaws.

Mr. NIELSON. Perhaps I can ask Mr. McDonald that same question when his turn comes.

How much money and staff time have you actually put on mobile rides, Madam Chairman, the ones you had jurisdiction over? How much staff time and how much money actually goes to that?

Ms. STEORTS. I will supply that figure for the record. I don't have that split out right now. I will be glad to get that for you.

Mr. NIELSON. Is it a very large amount, or is it very little?

Ms. STEORTS. It is part of our overall compliance budget and last year with the investigation that we spent considerable time and effort that we hadn't intended on the Enterprise ride, but I will get that broken out for you from last year, and also what we are planning to spend for this year.

Mr. SCANLON. Mr. Chairman, if I may, I think I can give the figure. I think we spent less than $20,000 on mobile ride activity in this calendar year.

Mr. STATLER. That is not right.

Mr. SCANLON. I was briefed by the staff on Friday. It is less than $20,000.

Mr. NIELSON. If you would get a consensus figure on that, I would appreciate it.

Mr. STATLER. If we included just the time that we spent as Commissioners on this and staff briefings, it would be far in excess of $20,000.

[The information submitted follows:]

Staff projects that for 1984, $35,000 in funds and 30-35[1] staff months will be devoted to mobile ride inspection and enforcement. This represents a total expenditure of approximately $145,000.[2]

Mr. NIELSON. Some of you said the June 1984 data so far is uninvestigated and unverified; is that correct?

Mr. SCANLON. That is correct.

Mr. NIELSON. Have you corroborated it? Do you agree with it?

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[1] This figure does not include time expended by Commission top management, such as the Commissioners, Executive Director, and Associate Executive Directors from the technical and enforcement directorates in participating in the numerous Commission briefings related to mobile amusement rides.

[2] Of this amount, approximately $100,000-$110,000 was devoted to inspections of mobile "Enterprise" rides initiated following an "Enterprise" ride accident at the Texas State Fair in October 1983.

Mr. SCANLON. We don't know. No one has checked it out. It just came in in a report. I think the chairman mentioned it in her statement. All we have is a report, and no one has verified the information.

Mr. NIELSON. Unfortunately there was another meeting, and I didn't hear your statement.

Ms. STEORTS. One situation is that the Neiss data on amusement rides is really very conservative. One-tenth of the rides are located near Neiss hospitals, and so we look at that as a relatively conservative figure, but we will give you any updated information that we have on this.

Mr. NIELSON. You are questioning the 30-percent drop in rides on the Neiss data, from 1980 through 1983? Do you question that figure?

Ms. STEORTS. I think that is a conservative figure.

Mr. NIELSON. If that were correct, would that justify expanding your jurisdiction?

Ms. STEORTS. I think we only have 1 year that showed at least any kind of a drop, but I think we are also seeing new rides that are coming to the fore now. We do have two new water rides, which seems to be the latest in amusement park attractions.

But I frankly feel that we have got a problem out there, and I hate to get caught up in numbers. When we are dealing with consumers lives and safety of these amusement rides, I think that the numbers can be construed any way you want to look at them. I think that we have a serious problem with amusement rides, and I think the approach that I would take to this issue, if the jurisdiction were given back to us, would be one like we take to all issues. It would be one where we would work with the industry in a cooperative way. We would work with the States.

We would work out some corrective action programs that would be done in cooperation with the industry and basically what we would have would be a presence, if you will, in the amusement park marketplace of the Federal Government.

Mr. NIELSON. How much money and staff have you devoted to the voluntary standards on mobile rides in the last couple of years?

Ms. STEORTS. Well, we have been working on the voluntary standards program with ASTM. I will get you the figure on that, but, again, I don't think it is broken down specifically on amusement rides.

[The information submitted follows:]

Between 1979 and 1984, one (1) staff month was devoted to the development of voluntary standards on mobile rides.

Mr. NIELSON. Would one of the other Commissioners answer that?

Mr. SCANLON. One of our engineers, and this was following the tragic Dallas ride incident, said he hadn't been to an ASTM meeting in Philadelphia in 3 years. So to be candid, I think basically very little time.

Mr. NIELSON. Why has not more time been spent on that?

Mr. STATLER. Again, sir, it is lack of resources. We don't have the staff to be able to expand on all aspects of every problem, and we felt that the investigations of these incidents was the key element here.

Mr. **Nielson**. Wouldn't you get a good return on your dollar if you could encourage voluntary compliance on the mobile rides?

Mr. **Statler**. I think that would be good, but I think you have to understand that we can't encourage any kind of voluntary compliance for the owners and operators of these fixed rides, because we don't have jurisdiction in the first place.

Mr. **Nielson**. One last question, Mr. Chairman.

I note the State of Illinois has a State inspection, and the Great American Rides in Illinois would come under that. Where was Illinois in inspecting the Edge, for example? What was the State supposed to be doing, and what did they do?

Mr. **Statler**. That is an excellent question, Mr. Chairman. The Illinois law was passed after the Edge incident occurred and after the incident in Pontiac, IL, also. It was passed in response to that incident. There was no inspection.

Mr. **Nielson**. I thought the Edge accident just occurred a couple of weeks ago.

Mr. **Statler**. It occurred back in May, and that was done afterward.

Mr. **Nielson**. I would like permission to enter into the record some questions submitted by Representative Dannemeyer, if I may. [See p. 816.]

Mr. **Waxman**. Without objection, the witnesses will be requested to respond in writing to those additional questions.

Mr. **Nielson**. I thank the Commissioners for their time.

Mr. **Waxman**. Mr. Eckart.

Mr. **Eckart**. Mr. Chairman, thank you.

I have flown with the U.S. Air Force Thunderbirds and I have skydived. I must confess to you, I am an amusement park junkie. I ride every ride as often as I can. I have an amusement park in my district that had 39 million riders last year and only very minor problems.

I agree, this is a very safe industry overall. In a few of the pursuits that I mentioned, I have a lot of control, but when I get on that ride, I am not in control. That is the ultimate concern that I have. When I put my son on the school bus, that bus is inspected. When he gets to school, it is a licensed, regulated, inspected school; and when he drinks that half a pint of milk, it is milk that has been inspected, regulated, tested, dated, stamped and his teacher is certified, and then the bus brings him back home.

Yet if they go on a field trip to an amusement park, it is Katie bar the door.

My concern is even your approach is to react to an accident once it happens. What we are really proposing in these bills is waiting for a body count.

What else can we do with these new rides? This is a very competitive business; there is a lot of competition for consumers' dollars in this area. It costs $1 million for some of these new rides; yet I understand there is no Federal testing, no evaluation before they are put into our parks.

Even within the industry, they have spent all this money, and they put a ride out there, and you don't have the slightest idea what is going on. I realize we have problems with existing rides. I am also concerned about the whole new stream of technology that is coming on, one of which just killed a woman a few weeks ago. This is a new standup type of roller coaster.

Now, we don't need body counts, folks, before we determine whether a ride is safe. Should we test rides before they are put in parks?

Mr. STATLER. You have put your finger on really the crux of the problem here. To some extent in the absence of any kind of premarket clearance, there is very little that can be done. We are suggesting that States inspect rides before they start up, before they start up again as much as possible, and we are seeking the authority to be able to investigate an incident after it occurs in order to be able to prevent the tragedies in a like ride that might occur somewhere else.

But the fact of the matter, as you say, is that there is not enough guarantee ahead of time, particularly with these kinds of rides, and you are talking about rides that have cost upward of $500,000, $1 million, $3 million for some of the rides that you are referring to. The Enterprise, the one we inspected in Dallas that crashed, that cost $300,000. If it were bought new today, it would be upward of $1 million. It was bought in 1974.

It is like a small aircraft, and yet we don't let small aircraft go up in the skies without major standards efforts that they have to comply with, without being certified as complying with Federal regulations, without the ability to inspect, and the ability if an incident occurs to be able to go in there immediately and find out what caused it in order to avert further tragedy later on.

Mr. ECKART. Ms. Steorts.

Ms. STEORTS. Yes, Congressman, I totally agree with you in your last comments.

I think also that there needs to be more safety consciousness from the individual manufacturers. I am a major proponent of backup safety systems on these rides. Had there been a backup safety system on the Enterprise ride when that bolt came out at the top, those young people may very easily have gotten down. They still might have been injured, but most likely that individual probably wouldn't have died, because the gondola wouldn't have been thrown off the ride onto the fairway.

But I was very interested to see recently that a ride in Busch Gardens, the Big Bad Wolf, that in the final inspection of that ride, they decided that it was going too fast, so they didn't open it, and they did put some safety brakes on it and slowed it down.

I also feel that probably that happened because of the national media attention that is being put on this subject, the national concern that many of us have about this subject, and I think that if the Consumer Product Safety Commission is given back authority over the fixed-site rides that there is a lot that you can do to work with the industry to make sure that they do make safer rides and that they are more safety conscious.

Mr. ECKART. I want to hear Mr. Scanlon's answer, too. Let me focus in on what you said for 1 second.

Why isn't the marketplace working to protect consumers? The liability insurance policies for these parks is astronomical. A single settlement or successful lawsuit of an individual plaintiff has got to cost these parks a great deal—even beyond their insurance capabilities, and if not, the parks certainly are going to have trouble staying in the insurance marketplace in the future. Why isn't the marketplace working?

Ms. STEORTS. The marketplace should be working, and I think that you are already seeing a different attitude on the part of a lot of consumers. Many consumers that I talked to, and obviously this is a major issue of mine and a major concern of mine, never realized that this was a problem. They thought that everything was maintained, everything was inspected and indeed that ride was safe and their children or even they were going to go out and have a day of fun, never realizing that maybe it was never inspected or maintained and indeed accidents are happening.

This is a major concern to consumers, but I think a lot of them are not aware of this. I think from this time out that you are going to see a lot of consumers taking a hard look at amusement rides and even asking themselves whether they are going to let those little children go to the amusement park.

Mr. ECKART. Mr. Scanlon, I want to hear your answer, too.

Mr. SCANLON. Thank you, Mr. Eckart.

The American Society for Testing and Materials is a voluntary standards developing group, one of the largest in the country. They have ongoing committees under the aegis of the F-24 committee and the things that you were mentioning earlier are an ongoing activity of this ASTM committee.

I would like to mention just a few of the subcommittees. There is a testing performance committee, a specifications committee, a quality assurance committee, a design and manufacturing committee, a maintenance committee, an operations committee, an inspections committee, a long-range planning.

Mr. ECKART. It sounds like the Congress.

Mr. SCANLON. And there are others, yes.

So what I am mentioning is this. When a new ride is designed, these committees are involved implementing the items they've adopted. These committees are meeting on an ongoing basis, so in my opinion, the consumer or the public is protected with a new ride.

Mr. ECKART. Well, how are they addressed? Do they issue a report to themselves? Do they advise new ride owners that we have got some problem here?

Mr. SCANLON. They do both, and if it were a new ride they would look at the structure of the ride, and they would look at past design problems if there were such, and they would be sure that the new ride was structured without those problems.

Mr. STATLER. Mr. Eckart, lest you think that that is what actually occurs, that is not correct.

Mr. ECKART. Let's hear what occurs.

Mr. STATLER. Most of the efforts of these committees to date have been more along the lines of nomenclature as to what will be called what, setting up procedures by which they will hopefully over the years come to certain conclusions. There is no such thing as any premarket look at rides that are coming onto the market. And from everything we heard from them, there is no communication back to any individual manufacturer, owner, or operator as to what an amusement ride should consist of. And if anybody thinks it is otherwise, that is wrong.

Mr. SCANLON. Mr. Eckhart, I would like to provide subsequently for the record the most current analysis or coverage of the F-24 committee activities and then you can decide for yourself. [See p. 827.]

Mr. ECKART. Point and counterpoint.

Mr. STATLER. They cover things like ride serial number, name plate, ride model number, date of manufacture. That is what they are concerned about.

Mr. ECKART. I would be interested to know how many of these committee members actually ride the rides.

Mr. STATLER. You might also ask how many consumers are represented on those committees.

Mr. ECKART. Ms. Steorts, I understand in the standup coaster incident of just the last several months that that company did act fairly responsibly and immediately notified the other parks where there is a similar ride. Are there other incidents where the manufacturers and operators have tried to act expeditiously? Are you familiar with that company's actions?

Ms. STEORTS. The one that happened in Missouri?

Mr. ECKART. Yes.

Ms. STEORTS. I don't have the final report on that at this point. It is still in process.

Mr. ECKART. Is adequate training of the operators also an issue? As somebody quoted in this weekend's Washington Post said, "We can't make these rides idiot proof," and that is probably true too, but aren't we also talking about safety procedures and about recognizing physical types who should not be allowed on some rides?

Ms. STEORTS. I think this is essential. I think it is very important that we have good, adequate information at the ride site. It is appalling to me how some young children will get on those rides unaccompanied. We heard Mr. Holcomb here today tell of the tragic death of his dear wife. Indeed little ones get on these rides, and they think it is great fun. Just over this weekend, friends of mine were telling me that when they go to Ocean City they just send their children off at night and think, "Great, they can go down to the amusement park" and how fun it is, never realizing until they read the Washington Post article what indeed could happen to them.

I think again there is where the industry could work with the Commission, in putting together some very strong educational programs. I think they need signs. I think the operators need to be better trained, and again this is a problem I am sure for a lot of the manufacturers and the theme park and the mobilesite people to find good, adequate help.

In one of our recent investigation reports, this was on a mobile ride which still is in process. I was reading this report over the weekend. This particular owner had purchased this ride from a broker in September 1983. The broker said that he had purchased the ride at a sheriff's sale and had sold it to the carnival without touching the unit. The ride had been used as collateral for a bank loan by the previous owners who are now deceased. The carnival owner said he did not know who the owner was or the history of the ride except that it had supposedly been modeled on a 1948 flatbed trailer. No owner's manual had been received for the ride.

The ride operator said that he had run this ride first in 1984 with the carnival owner training him as to the operation. The ride has been used in two previous carnivals since 1984 without incident.

This year a 36-year-old male was fatally injured on this ride, along with his son being critically injured. This is what we are putting up with. Now this is a mobile ride, and we are still in the process of investigating this, but you can see how devastating this is and how difficult it will be to really get to the bottom of this.

Mr. ECKART. How can you correct that? You can physically go out and look at welds and engineering and design, but how do you develop an overall safety program?

In the park in my district, if you drink at any time during the day, you are fired. They have classes, a safety program, they have drills. Maybe that explains why they haven't had any serious problems at their one site, but how do you deal with the owner who doesn't care if the operators have a beer during the day or hires people today and has them running a ride tomorrow?

How do you deal with that? That you can't inspect, Mr. Statler.

Mr. STATLER. I don't think that is really a Federal role. I think we are limited in what we can do to investigating and communicating information and to sharing with the manufacturers and rideowners the information we have.

But by saying that there is a problem and recognizing that problem of rider misbehavior, of operator training, of maintenance and repair, I don't want to leave the impression or minimize in any way the problem that we have identified of design flaws as well.

If you went down to that enterprise and saw the teardown as the chairman and I did, you would have seen these welds on key structural members, welds at places that had been cracked, that had been sheared.

If you saw where basically 2½-inch bolts on each side of the gondola were holding that gondola in place. The manufacturers had subsequently changed the design over the next several years for the later production to require three bolts on each side, each three-quarters of an inch thick, which made, according to our engineering analysis, the cars four times less likely to go flying off as this one did. And yet, the manufacturer never told, according to the testimony we have, the owner-operator about the design change. Sure enough, this being one of the first of the 19 produced for this country, this car went circling around, came off and went flying onto the midway.

And the only thing that prevented even more tragedy than the one person who was killed and several seriously injured, was the fact that it went around several more times and created noise. Everyone cleared the midway and when that gondola came down, the area was cleared so that more people were not killed.

There could have been 50 or 100 seriously hurt or killed as a result of that incident. In that respect, it is not a lot different from an aircraft type of tragedy.

Ms. **Steorts**. Congressman, I think there is another thing that can happen, which is what has happened in Texas. Because of the interest of the Commission in that Enterprise situation, we have had extremely good cooperation from Wayne Gallagher, who heads up the State fair of Texas.

Now, Texas does not have any regulations but he has taken it upon himself as the director of that State fair to be sure that they have got stringent rules this year regarding amusement ride safety before the State fair opens, and that has come directly because of his work with us, and so, I think a lot of good came out of that.

So, if you were to have an operator that frankly didn't care or an operator that was going to put inept people in charge of the operation of that ride, I feel this year at the State fair of Texas we will have an overseer, if you will, to look at that, and to be sure that indeed, another tragedy does not happen at the Texas State Fair because of more stringent guidelines.

Mr. **Eckart**. Last question.

Do we have, a specific perference for the Simon, Guarini, or Porter bills?

Mr. **Statler**. I have indicated in my testimony I think the Porter legislation, which is the most simple, returning jurisdiction to the Commission along the lines that it has jurisdiction over 15,000 other products, is the preferable route.

Ms. **Steorts**. As far as I am concerned, Congressman, I also support the Porter bill. I commend Congressman Simon for his efforts in this. He has been very outspoken and I think that is just terrific, but I do think we need consistency, and I think the Porter bill does it.

The problem with the States, if they have jurisdiction, is it is inconsistent. One State may have very good regulations and others may not. Amusement park riders love to go from State to State and ride one ride in one State, and as they go on vacation, they may go to another one, and I think they need consistency in regulation.

Mr. **Scanlon**. I wouldn't support any of the three, Mr. Eckart. I think it is best left at the State and local level.

Mr. **Eckart**. I thank the Commissioners and the chairman.

Mr. **Statler**. Could I just ask if the committee is inclined to go with the Simon bill? I think some clarification is necessary, because in the first part of the bill, he says that so long as the State inspects, the Commission wouldn't have any jurisdiction.

Then there is a subsection 2 that says that the Commission may inspect if there is a pattern of accident and injury. It is not clear whether that is conditional upon, the State already having jurisdiction, whether the Commission could go in there after the fact of the tragedy or not.

I think at a minimum, we should be able to investigating tragedies after they occur.

Mr. **Waxman**. Well, we will review the exact details of any legislation with you before the committee acts.

Thank you very much for your testimony. We appreciate your being with us.

[The following materials referred to were submitted for the record:]

QUESTIONS POSED BY CONGRESSMAN DANNEMEYER

1. I am intrigued by all this interest in an area over which the Consumer Product Safety Commission (CPSC) has no jurisdiction. Could you tell us, in light of this interest, if any member or members of the CPSC staff have made any trips to fixed site amusement parks over the past three years to check out any of these ride accident reports? And, if so, would you please submit for the record the names of those staff members, the dates they traveled and the amount of money expended by CPSC on each trip?

2. With respect to carnival rides, over which CPSC does have jurisdiction, could you tell us if any member or members of the CPSC staff have made any trips to check out rides at these traveling carnivals over the past three years? And, if so, could you provide for the record the names of those staff members, the dates they traveled, and the amount of money spent by the CPSC for each trip?

The attached charts show CPSC trips to inspect amusement rides.

CPSC has not routinely inspected fixed site rides since we lost jurisdiction over them in 1981. However, we have examined rides at amusement parks to determine if they are fixed or mobile so as to determine such jurisdiction. Many amusement rides can be used in either a fixed or mobile configuration. In late 1983, the commission staff did examine a number of Enterprise rides at fixed locations as follow-up to the accident at the Texas State Fair. These visits were made to determine if these rides were fixed or mobile and to gain background information for our investigation of Enterprise rides used as mobile rides. At many of these locations, the management voluntarily allowed the CPSC investigators to examine the rides for clues as to the cause of the Dallas accident. We did not examine the ride if the owner objected.

CPSC STAFF TRIPS TO FIXED SITE AMUSEMENT PARK RIDES

	INVESTIGATOR'S	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME, LOCATION	MONEY EXPENDED
Northeastern Regional Office	Steven Garitta (To determine whether ride was fixed or mobile)	Oct. 4, 1983	"Himalaya Ride" Playland Rye, N.Y.	Local travel
	Sol Levine	Nov. 15, 1983	"Enterprise Ride" Playland Rye, N.Y.	Local travel
	Charles O'Connell	Dec. 20, 1983	"Enterprise" Dean & Flynn Inc. Salisbury, Ma.	Local travel
	Martin Bennett	Nov. 15, 1983	"Enterprise" Playland Rye, N.Y.	Local travel
	William Robinson	Dec. 13, 1983	"Enterprise" Rocky Point Amusements Warwick, R.I.	Local travel
	Alvin Furer	Dec. 13, 1983	"Enterprise" Astroland Park, New York, NY	Local travel
	Raymond Benson	Dec. 13, 1983	"Enterprise" Mariner's Landing Wildwood, N.J.	Local travel
	Craig Pattani	Dec. 12, 1983	"Enterprise" Hershey Park, Hershey, PA.	Local travel
	Benedick Fink	Dec. 12, 1983	"Enterprise" Kennywood Park Pitts., PA.	Local travel

CPSC STAFF TRIPS TO FIXED SITE AMUSEMENT PARK RIDES

	INVESTIGATOR'S	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME, LOCATION	MONEY EXPENDED
Southeastern Regional Office	E. Terry Rushton	Dec. 14, 1983	Enterprise Myrtle Bch Farms Co. Myrtle Bch, SC	$383.00
Midwestern Regional Office	Edward Blythin	Dec. 20, 1983	Enterprise Ceder Fair, Inc. Ceder Point Park Sandusky, OH	Local travel
	Edward Blythin	Dec. 1983	Enterprise Geauga Lark Park Aurora, OH	Local travel
	Jerome Boog	Dec. 7, 1983	Enterprise Valley Fair Shakopee, MN	Local travel

Western Regional Office: No staff trips to fixed site amusement park rides.

CPSC STAFF TRIPS TO FIXED SITE AMUSEMENT PARK RIDES

	INVESTIGATOR'S	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME, LOCATION	MONEY EXPENDED
Southwestern Regional Office	Harold Snyder	Dec. 13, 1983	Enterprise Worlds of Fun Kansas City, MO	Local travel
	*Sidney Englander	May 22, 1984	"Mart Gondola" Louisiana World Exposition New Orleans, LA	Local travel

*The Louisiana World Exposition was visisted to examine the mobile rides. No further actions were taken when it was discovered that the "Mart Gondola" was a permanent fixture which would remain after the fair was over.

CPSC STAFF TRIPS TO MOBILE AMUSEMENT RIDES

	INVESTIGATOR'S NAME	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME & LOCATION	MONEY EXPENDED
Western Regional Office				
	William Biggs	11/4/81	Zyclon Roller Coaster Phoenix, AZ	Local Travel
	Bernard Jensen	4/21/82	Octopus Tacoma, WA	Local Travel
	Joseph Burchyski	9/9/82	Train Grants Pass, OR	Local Travel
	Andres Marcos	5/24/83	Spider San Bernadino, CA	Local Travel
	Bernard Jensen	12/16/83 12/17/83	Enterprise Ride Washington	$164.37
	Kenneth Felton	1/24/84	Enterprise Ride California	Local Travel
	Joseph Burchyski	5/28/84 7/12/82 4/26/82 7/10/81	Eyerly Aircraft Salem, Oregon	Local Travel
	Bernard Jensen	1983	Carousel Midway Shows Seattle, Washington	Local Travel
	Laurel Spinozza	12/14/83	Foley & Burke	Local Travel

CPSC STAFF TRIPS TO MOBILE AMUSEMENT RIDES

INVESTIGATOR'S NAME	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME & LOCATION	MONEY EXPENDED
Southwestern Regional Office			
Lawrence Bland	10/17/83- 12/15/83 (10 trips)	Enterprise State Fair of Texas Dallas, TX	Local Travel
Frank Krivda	10/17/83- 12/15/83 (20 trips)	Enterprise State Fair of Texas Dallas, TX	Local Travel
Frank Krivda	11/8/83- 11/11/83	Enterprise Valdosta, GA	$750.00
Frank Krivda	1/5/84	Enterprise Tulsa, OK	$187.90
Sidney Englander	5/23/84	Muse Amusement (various rides) World's Fair New Orleans, LA	Local Travel
Claude Tolbert	10/17/83- 12/15/83 (3 trips)	Enterprise State Fair of Texas Dallas, TX	Local Travel
Frank Krivda	4/5-6/84	Enterprise Houston, TX	$195.60
Sidney Englander	10/24-28/83 (3 trips)	Enterprise State Fair of Texas Dallas, TX	$438.13
Jerusha Walker	10/19/83 11/23/83 (10 trips)	Enterprise State Fair of Texas Dallas, TX	Local Travel
Jerusha Walker	4/23/84	Sky Dive Ride Odessa, TX	$50.00

CPSC STAFF TRIPS TO MOBILE AMUSEMENT RIDES

INVESTIGATOR'S NAME	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME & LOCATION	MONEY EXPENDED
Southwestern Regional Office			
Bob Wadsworth	1/18-19/84	Flying Bob Chance Mfg. Co. Wichita, KS	$316.00
Southeastern Regional Office			
Donald Dudley	11/10/83	Enterprise All American Fair Lakeland, FL	$450.00
Carol D. Reeves	6/20/84	Himalaya Birmingham, AL	$ 40.00
	(3/5, 5/17 & 6/18, 1984) (3 trips)	Thunderbird Birmingham,AL	$220.00
Edward J. Morganto	3/20/84	Super Himalaja Sarasota County Fair Sarasota, FL	$100.00
Edward J. Morganto	11/9/83	Enterprise Valdosta State Fair Valdosta, GA	$450.00 (Including Videotape)
Edward J. Morganto	1/31/84	Enterprise Taft, FL	Local Travel
Edward J. Morganto	2/28/84	Space Wheel Royal American Shows Tampa, FL	$100.00

CPSC STAFF TRIPS TO MOBILE AMUSEMENT RIDES

	INVESTIGATOR'S NAME	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME & LOCATION	MONEY EXPENDED
Southeastern Regional Office				
	Sam Hall	5/20/83	"Swiss Swings" Blue Grass Shows Tampa, FL Southwest Florida Fair Ft. Myers, FL	Local Travel
	Sam Hall	11/10/83	"Tilt-A-Whirl" St. Maurice Catholic Church Fair Hollywood, FL	Local Travel
	Sam Hall	11/10/83 11/12/83 11/18/83	"Tilt-A-Whirl" St. Elizabeth Seton Catholic Church Fair St. Patrick's Catholic Church & School Fair Miami Beach, FL Catholic Church Fair, Golden Gate, FL & St. Patrick's Catholic Church & School Fair, Miami Beach, FL	$ 82.50
	Sam Hall	3/26/84	"Polar Express" Dade County Youth Fair Miami, FL	$150.00

CPSC STAFF TRIPS TO MOBILE AMUSEMENT RIDES

	INVESTIGATOR'S NAME	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME & LOCATION	MONEY EXPENDED
Southeastern Regional Office				
	Paul Phillips	11/9/83 11/10/83 11/11/83	Huss/Enterprise South Florida Fairgrounds West Palm Beach, FL	$153.61
	Paul Phillips	11/16- 11/25/83	CHANCE/Flying Bobs & Huss/Enterprise South Florida Fairgrounds W. Palm Beach, FL & Broward County Fair Gulfstream Race Track, Hollywood, FL	$ 26.47
	Paul Phillips	1/16/84	HUSS/Enterprise Conklin Shows West Palm Beach, [illegible]	$120.44
	Paul Phillips	2/16 & 2/17/84	HUSS/Enterprise Flagler Dog Track Miami, FL	Local Travel
	Paul Phillips	12/6/83 6/11/84	HUSS/Enterprise Ft. Pierce, FL	$135.29

CPSC STAFF TRIPS TO MOBILE AMUSEMENT RIDES

	INVESTIGATOR'S NAME	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME & LOCATION	MONEY EXPENDED
Northeastern Regional Office				
	Jerome Donovan	5/21/84	"Spider" Ft. Devens, MA	Local Travel
	David Gudes	5/23/84 (2 trips)	"Tilt-A-Whirl" RFK Stadium Washington, D.C.	Local Travel
Midwestern Regional Office				
	Peter Flanagan	7/3/83	Thunderbird Ride Anderson Fairgrounds Anderson, IN	$146.46
	Edward Blythin	7/6/83	Thunderbird Ride Fremont, OH	Local Travel
	Sandra Glazier	8/8/83	Enterprise Ride Wisconsin State Fair West Allis, WI	Local Travel
	Edward Blythin	12/9/83	Thunderbird Ride Fremont, OH	Local Travel
	DuWayne Kapelis	8/8/83	Round-up Ride Hamilton County Fair Carthage, OH	Local Travel
	David Johnson	10/21/83	Polar-Himalaya Ride Allegan County Fair Allegan, MI	Local Travel

CPSC STAFF TRIPS TO MOBILE AMUSEMENT RIDES

INVESTIGATOR'S NAME	DATE(S) OF INSPECTION OR INVESTIGATION	RIDE NAME, PARK NAME & LOCATION	MONEY EXPENDED
Midwestern Regional Office			
James Misrach Robert Johnson	6/5/84	Comet Ride American Legion Grounds Pontiac, IL	$150.65
Peter Flanagan	7/20/84	Ferris Wheel Summerfest Days Walnut, IA	Local Travel
Jerome Boog	7/30/84	Loop Roller Coaster North Dakota State Fair Minot, ND	Local Travel
Sandra Glazier	8/3/84	Enterprise Ride Wisconsin State Fair West Allis, WI	Local Travel

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

August 15, 1984

Honorable Henry A. Waxman
Chairman
Subcommittee on Health and the Environment
Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

At the August 6th hearing before your Subcommittee on the issue of amusement ride safety, I referenced the American Society for Testing and Materials' (ASTM) F24 Committee and their voluntary standard activities. I promised to provide for the record a listing of the F24 Committee's Subcommittees and their activities in various phases of amusement ride voluntary standards. Enclosed herewith is that material for inclusion in the record as provided by ASTM.

I appreciate the opportunity you provided the Commission to express its views on this important subject.

Sincerely,

Terrence Scanlon
Commissioner

Enclosures

COMMITTEE F-24
ON
AMUSEMENT RIDES AND DEVICES

ASTM 1916 Race St., Philadelphia, PA 19103 (215) 299-5400

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F 893
(On July 1984 Society
ballot that closes
Aug. 22, 1984.)

ASTM F24.50 INSPECTIONS
STANDARD GUIDE DRAFT 9

Ballot F24 (84-1)

A STANDARD GUIDE FOR THE INSPECTION OF AMUSEMENT RIDES AND DEVICES

1.0 Scope

1.1 This Standard Guide covers the inspections of amusement rides and devices during prototype development, during production manufacturing, during installation or erection, following major modification or overhaul and during operation and maintenance periods.

2.0 APPLICABLE DOCUMENTS

2.1 ASTM Standards

F-698-83	Specifications
F-770-82	Operations
F-747-82	Definitions
F-846	Testing
F-853	Maintenance

3.0 SIGNIFICANCE AND USE

3.1 The purpose of this Standard Guide is to delineate information and recommend inspections for amusement rides and devices.

4.0 QUALITY ASSURANCE PROGRAM

4.1 Manufacturer's Responsibility

4.1.1 The manufacturer of an amusement ride or device shall have a written Quality Assurance Program for use in conjunction with the design, manufacture, construction, modification, and/or reconditioning of the amusement ride or device.

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4.1.2 Quality Assurance Documents, i.e. (material certifications, test reports, and inspection reports) shall be retained for a period of time as deemed appropriate by the manufacturers.

4.1.3 The manufacturer of an amusement ride or device shall provide the owner/operator a written inspection procedure to be delivered with the ride or device which shall outline the inspections as contained in ASTM F853 and ASTM F770.

4.1.3.1 Any changes in the procedure prescribed in 4.1.3 deemed essential by the manufacturer due to information not available to the manufactuer at the time of delivery shall be communicated to all known owner/operators.

4.1.4 All inspections, whether recommended at the time of sale or subsequently, shall meet the following criteria:

4.1.4.1 Is an inspection which shall have been satisfactorily performed by the manufacturer.

4.1.4.2 Is an inspection which the ride or device or element can reasonably be expected to pass during the expected design life of the ride, device or element, assuming that recommended maintenance procedures have been followed; and,

4.1.4.3 Is an inspection that is reasonable and which the owner/operator can reasonably be expected to be competent to perform or cause to be performed.

4.1.5 Upon notification from an owner/operator of an incident involving a critical component, the manufacturer of an amusement ride or device shall promptly evaluate this information and disseminate their findings to the original owner/operator plus any pertinent recommendations to all known owner/operators.

4.2 Owner/Operator Responsibilities

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AMUSEMENT RIDES AND DEVICES

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4.2.1 Owner/operators of amusement rides or devices shall have an inspection program consistent with the inspections outlined in ASTM F853 and F770.

4.2.2 Inspection documents deemed appropriate by the owner/operator to be maintained in the ride file shall be filed according to the procedures outlined in ASTM F770 and F853.

4.2.3 The owner/operator of an amusement ride or device shall promptly notify the manufacturer of an incident, failure or malfunction, which, in his-judgement, seriously affects the continued proper operation of the ride or device and is information of which the manufacturer should be aware.

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July 1984

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Standard Practice for
OPERATION PROCEDURES FOR AMUSEMENT RIDES AND DEVICES[1]

This standard is issued under the fixed designation F 770; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This practice establishes information for operating procedures of amusement rides and devices.

2. Significance

2.1 The purpose of this practice is to delineate information and to establish procedures for the operation of amusement rides and devices.

3. Manufacturer's Responsibility

3.1 The manufacturer of an amusement ride or device shall provide, with delivery of each ride or device, documented, recommended operating instructions in the English language. These instructions shall include but not be limited to the following:

3.1.1 Description of the ride or device operation including the function and operation of its major components.

3.1.1.1 Description of the motion(s) of the ride or device during operation.

3.1.1.2 Description of the recommended passenger loading procedures during operation, including recommended seating, where applicable.

3.1.2 Recommended safety procedures and instructions, and information about safety equipment pertaining to patrons and ride or device operators and attendants.

3.1.2.1 Maximum total passenger weight and maximum number of passengers by carrier unit or ride total.

3.1.2.2 Description of the passenger restraint system, its recommended use and operation.

3.1.2.3 Ride or device operator and attendant safety check: recommended visual or other inspections to be performed by ride or device operators and attendants prior to and during each ride or device cycle.

3.1.2.4 Instructions to the patron: recommended information that should be made available to each patron of the ride or device.

3.1.2.5 Recommendations for operational restriction relating to environmental conditions such as wind, rain, or temperature fluctuation.

3.1.3 Manufacturer's recommended ride or device operating procedures, including the location of ride or device operators and attendants.

3.1.3.1 Description of the recommended, daily pre-opening inspection to be performed by ride or device operator(s) and attendants that is in addition to previously performed maintenance or other inspections.

3.1.3.2 Description of the recommended ride or device operator(s) and attendants positions and functions.

3.1.3.3 Description of the recommended series of steps, to be followed in a definite order, to complete the operation of the ride or device.

3.1.4 Manufacturer's recommended emergency procedures.

3.1.4.1 Recommended evacuation procedures for the ride or device.

3.1.4.2 Use of emergency power equipment, if provided with the ride or device.

3.1.4.3 Description of any emergency equipment that is provided with the ride or device, and its uses.

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[1] This practice is under the jurisdiction of ASTM Committee F-24 on Amusement Rides and Devices and is the direct responsibility of Subcommittee F24.40 on Operations.

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3.1.4.4 Description of any emergency procedure made necessary by an interruption of power, and restart procedures.

4. Owner/Operator's Responsibility

4.1 Each owner/operator of an amusement ride or device shall read and become familiar with the contents of the manufacturer's recommended operating instructions and specifications, when received as provided in 3.1. Each owner/operator shall prepare an operating fact sheet. This fact sheet shall be made available to each ride or device operator and attendant of the amusement ride or device. The owner's/operator's fact sheet (on a ride-by-ride basis) shall include but not be limited to:

4.1.1 Specific ride or device operation policies and procedures with pertinent information from the manufacturer's instructions.

4.1.1.1 Description of the ride or device operation.

4.1.1.2 Duties of the specific assigned position of the ride or device operator or attendant.

4.1.1.3 General safety procedures.

4.1.1.4 Additional recommendations of the owner/operator.

4.1.2 Specific emergency procedures in the event of an abnormal condition or an interruption of service.

4.1.3 The owner/operator shall provide training for each ride or device operator and attendant of an amusement ride or device. This training shall include but not be limited to the following, where applicable:

4.1.3.1 Instruction on ride or device operating procedures.

4.1.3.2 Instructions on specific duties of the assigned position.

4.1.3.3 Instructions on general safety procedures.

4.1.3.4 Instructions on emergency procedures.

4.1.3.5 Demonstration of the physical ride or device operation.

4.1.3.6 Supervised observation of the ride or device operator's physical operation of the ride or device.

4.1.3.7 Additional instructions deemed necessary by the owner/operator.

4.1.4 The ride or device operator of each amusement ride or device shall conduct a daily pre-opening inspection of each ride or device prior to carrying passengers. This inspection shall include but not be limited to the following:

4.1.4.1 Visual check of all passenger-carrying devices, including restraint devices and latches.

4.1.4.2 Visual inspection of entrances, exits, stairways, and ramps.

4.1.4.3 Test of all communications equipment necessary for the operation of the ride or device.

4.1.4.4 Prior to carrying passengers, the ride or device shall be operated for a minimum of one complete operating cycle.

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Standard Guide for
TESTING PERFORMANCE OF AMUSEMENT RIDES AND DEVICES[1]

This standard is issued under the fixed designation F 846; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This guide covers the basic tests which shall be conducted on amusement rides and devices during prototype development, installation or erection, following major modifications, and during normal operation to determine that the performance of a given ride or device meets the manufacturer's specified design criteria.

NOTE—The following standards developed by Committee F-24 contain information relative to this standard: F 698 Specification for Physical Information to be Provided for Amusement Rides and Devices; F 770 Practice for Operation Procedures for Amusement Rides and Devices; and F 747 Definitions of Terms Relating to Amusement Rides and Devices.[2]

1.2 *This standard may involve hazardous materials, operations, and equipment. This standard does not purport to address all of the safety problems associated with its use. It is the responsibility of whoever uses this standard to consult and establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Significance and Use

2.1 The purpose of this standard is to establish original pertinent test data on a given ride or device which shall be used as the basis for the evaluation of the ride or device's operational performance.

3. Descriptions of Terms Specific to This Standard

3.1 *critical component(s)*—a component or system of components that, due to their importance in the continued proper operation of the ride or device, have been designated by the manufacturer as requiring special fabrication, maintenance, inspection, or operation.

3.2 *installation or erection*—the actual act of on-site construction or the physical setting up and making ready for use of a ride or device.

3.3 *major modification*—any change in either the structural or operational characteristics of the ride or device which will alter its performance from that specified in the manufacturer's design criteria.

3.4 *prototype*—final operational assembly of a newly developed ride or device.

4. Developmental Testing by the Manufacturer

4.1 Where applicable as determined by the manufacturer/designer, the following test procedures shall be developed and performed on a prototype amusement ride or device in order that the manufacturer/designer may determine the appropriateness for use, of not only the parts, but the entire system of a newly designed ride or device.

4.1.1 *Procedures to Verify Maximum Safe Design Loads:*

4.1.1.1 Procedures to verify such design characteristics as relevant deflections, loads, and forces that are placed on both the equipment and the passengers during operation of the ride or device,

4.1.1.2 A procedure to determine operational limits and restart criteria due to environmental conditions,

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[1] This guide is under the jurisdiction of ASTM Committee F-24 on Amusement Rides and Devices and is the direct responsibility of Subcommittee F24.10 on Test Methods.

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[2] *Annual Book of ASTM Standards*, Vol 15.07.

4.1.1.3 Procedures to allow the manufacturer to determine such factors as component variability and certification requirements of critical components, and

4.1.1.4 Any other procedures necessary to demonstrate a ride or device's appropriateness for its intended use.

5. Installation Testing

5.1 This section of the standard covers those tests relevant not only to installation, but also includes post-modification and major modifications. The original manufacturer or supplier of an amusement ride or device shall also provide, where applicable, the following standard testing guides:

5.1.1 *Materials Testing*—Acceptable test procedures for the certification of all major structural components shall be provided. Where possible, this testing should be referenced to ASTM or to other commonly accepted industry standards.

5.1.2 *Erection/Modification Acceptance Testing*—Test procedures or criteria for the acceptance of such construction operations as welding and fastening shall be provided. Again, reference where possible should be made to ASTM or to other currently accepted industry standards for this purpose.

5.1.3 *Performance Testing*—This should consist of a series of specified tests that can be used to determine that the newly erected ride or device conforms to the original design criteria.

6. Operational Testing

6.1 The manufacturer of a ride or device shall develop specific operational tests along with minimum intervals for these tests to be performed that will allow the owner/operator of the ride or device to determine whether a given ride or device is operating within prescribed operational limits.

6.2 All operational tests, except those necessarily recommended subsequent to the sale because of information not reasonably available to the manufacturer at the time of sale, should be recommended to the owner/operator at the time of sale. All tests, whether recommended at the time of sale or subsequent tests shall meet the following criteria:

6.2.1 All tests shall have been satisfactorily performed by the manufacturer prior to sale.

6.2.2 The tests must be such that the ride, device, or element can reasonably be expected to pass during the expected design life, assuming recommended maintenance and operative procedures have been followed.

6.2.3 All tests must be reasonable and such that the owner/operator can reasonably be expected to be competent to perform or cause to be performed.

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Standard Practice for
MAINTENANCE PROCEDURES FOR AMUSEMENT RIDES AND DEVICES[1]

This standard is issued under the fixed designation F 853; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This practice establishes information for maintenance procedures of amusement rides and devices.

1.2 *This standard may involve hazardous materials, operations, and equipment. This standard does not purport to address all of the safety problems associated with its use. It is the responsibility of whoever uses this standard to consult and establish appropriate safety and health practices and determine the applicability or regulatory limitations prior to use.*

2. Significance and Use

2.1 The purpose of this practice is to delineate information for the maintenance of amusement rides and devices.

3. Manufacturer's Responsibility

3.1 The manufacturer of an amusement ride or device shall provide, with delivery of each ride or device, documented maintenance instructions in the English language. These instructions shall include, but not be limited to the following:

3.1.1 Description of the ride or device operation including the function and operation of its major components.

3.1.1.1 Description of the designed motion(s) of the ride or device during operation.

3.1.2 Description of the recommended procedures for installation, setup, disassembly, and transportation of an amusement ride or device.

3.1.3 Recommended lubrication procedures for the amusement ride or device.

3.1.3.1 Recommended types and specifications of lubricants.

3.1.3.2 Recommended frequency of lubrication.

3.1.3.3 A lubrication drawing, chart, or instruction, showing the location of lubrication points.

3.1.3.4 Recommended special method of lubrication, where applicable.

3.1.4 Description of the recommended daily, pre-opening inspection to be performed and identification of special care areas and recommended procedures for inspection and maintenance of these areas.

3.1.5 Description, including frequency, of recommended maintenance inspections and testing, other than daily pre-opening inspection.

3.1.5.1 Recommended wear limits or tolerances, where deemed necessary by the manufacturer.

3.1.5.2 Recommended operational tests, along with minimum intervals for these tests to be performed, that will allow the owner/operator of the ride or device to determine whether a given ride or device is operating within recommended prescribed operational limits.

3.1.5.3 Where applicable, recommended nondestructive testing along with appropriate acceptance criteria, including suggested frequency and the special parts or areas to be tested.

3.1.5.4 Tests recommended pursuant to 3.1.5 shall meet the following criteria:

(*a*) The tests shall have been performed satisfactorily by the manufacturer prior to the sale of the amusement ride or device,

(*b*) The test shall be a test which the amusement ride or device, or element, can reasonably be expected to pass during the expected life of the amusement ride or device, or element, assuming recommended maintenance and operating procedures have been followed.

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[1] This practice is under the jurisdiction of ASTM Committee F-24 on Amusement Rides and Devices and is the direct responsibility of Subcommittee F24.30 on Maintenance.

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(*c*) The test shall be a test that is reasonable, and which the owner/operator can reasonably be expected to be competent to perform or cause to be performed.

3.1.6 Recommended specifications for the use of replacement fasteners, and recommended torque requirements on fasteners, where applicable.

3.1.7 Schematics of electrical power, lighting, controls, and other systems, including location charts and manufacturer's trouble-shooting guide, where applicable.

3.1.7.1 Description of recommended maintenance procedures for electrical components.

3.1.8 Schematics of hydraulic and pneumatic systems, including recommended pressures, location of components, line specification, fitting specification, type of fluid, location chart, and manufacturer's trouble-shooting guide.

3.1.8.1 Description of recommended maintenance procedures for hydraulic and pneumatic systems and components.

3.1.9 List of parts used in the assembly of the ride or device, or drawings showing component parts and their use.

3.1.10 Recommended procedures to be followed in the event of an extended period of non-operation or storage, or both.

3.1.11 Description of recommended assembly and disassembly techniques and procedures, pertaining to specific components, as deemed necessary by the manufacturer.

3.1.12 Recommended restrictions and special procedures, lubricants, materials, or equipment that may be necessary because of environmental conditions.

4. Owner/Operator's Responsibility

4.1 Each owner/operator of an amusement ride or device shall read and become familiar with the contents of the manufacturer's maintenance instructions and specifications when received, as provided in 3.1. Based on the manufacturer's recommendations, each owner/operator shall implement a program of maintenance, testing, and inspections providing for the duties and responsibilities necessary in the care of each amusement ride or device. This program of maintenance shall include a checklist to be made available to each person performing the regularly scheduled maintenance on each ride or device. The owner/operator's checklist (on a ride-by-ride basis) shall include but not be limited to:

4.1.1 Description of preventive maintenance assignments to be performed.

4.1.2 Description of inspections to be performed.

4.1.3 Special safety instructions, where applicable.

4.1.4 Any additional recommendations of the owner/operator.

4.2 The owner/operator of the amusement ride or device shall provide training for each person performing the regularly scheduled maintenance on the ride or device, pertaining to their assigned duties. This training shall include, but not be limited to the following:

4.2.1 Instruction on inspection and preventive maintenance procedures.

4.2.2 Instruction on the specific duties of the assigned position.

4.2.3 Instruction on general safety procedures.

4.2.4 Demonstration of the physical performance of the assigned regularly scheduled duties and inspections.

4.2.5 Supervised observation of the maintenance person's physical performance of their assigned regularly scheduled duties and inspections.

4.2.6 Additional instructions deemed necessary by the owner/operator.

4.3 Prior to carrying passengers, the owner/operator shall conduct or cause to be conducted a daily documented and signed pre-opening inspection, based on provided instructions, to insure the proper operation of the ride or device. The inspection program shall include, but not be limited to the following:

4.3.1 Inspection of all passenger-carrying devices, including restraint devices and latches.

4.3.2 Visual inspection of entrances, exits, stairways, and ramps.

4.3.3 Functional test of all communication equipment necessary for the operation of the ride.

4.3.4 Inspection or test of all automatic and manual safety devices.

4.3.5 Inspection or test of the brakes, including service brakes, emergency brakes, parking brakes, and back stops.

4.3.6 Visual inspection of all fencing, guarding, and barricades.

4.3.7 Visual inspection of the ride structure.

4.3.8 The ride or device shall be operated for a minimum of one complete operating cycle.

4.4 Following an unscheduled cessation of operation, and the unloading of an amusement ride or device, necessitated by malfunction, adjustment, environmental conditions, mechanical, electrical, or operational modification, that affected the operation, the ride or device, or the specifically affected element, shall be appropriately inspected, and operated, without passengers, to determine that the cause for cessation of operation has been corrected and does not create an operational problem.

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Standard Specification for
PHYSICAL INFORMATION TO BE PROVIDED FOR AMUSEMENT RIDES AND DEVICES[1]

This standard is issued under the fixed designation F 698; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This specification covers the minimum requirements for information regarding amusement rides and devices that shall be provided to the end user by the manufacturer or seller of amusement rides or devices.

2. Significance and Use

2.1 The purpose of this specification is to provide the minimum information necessary for the proper identification, placement, erection, and operation of each amusement ride or device.

3. Information Requirements

3.1 The information in 3.2 to 3.16 shall be either included or indicated as not applicable for all amusement rides and devices by the manufacturer or seller at the time of sale of such amusement ride or device.

3.2 *Ride Serial Number*—A manufacturer's issued unique identifying number or code affixed to the ride in a permanent fashion.

3.2.1 *Name Plate*—A manufacturer-issued unique identifying name plate in English shall be permanently affixed to each amusement ride or device specifying location of manufacture by city, state, and country.

3.3 *Ride Model Number*—A manufacturer's issued unique identifying number or code assigned to each manufactured type of ride having the same structural design or components.

3.4 *Date of Manufacture*—The date (month and year) determined by the manufacturer that the given ride or device met his required construction specifications.

3.5 *Trailering Information*—Each trailer necessary for the transport of a portable amusement ride or device shall be provided with the following information: height, width, length, and weight.

3.6 *Static Information*—The following information shall be provided for the amusement ride or device when it is in a nonoperational state with no passengers: height, width, diameter, and weight.

3.7 *Dynamic Information*—The following information shall be provided for the amusement ride or device when it is in an operational state: height, width, diameter, and weight.

3.8 *Ride Speed*:

3.8.1 Maximum revolutions per minute, or

3.8.2 Maximum feet per second or miles per hour.

3.9 *Direction of Travel*—When the proper direction of travel is essential to the design operation of the ride, the manufacturer shall designate the direction of travel, including reference point for this designation.

3.10 *Power Requirements*:

3.10.1 *Electrical*—Total electrical power required to operate the ride or device designated in watts, volts, and amperes, including minimum and maximum voltage limits.

3.10.2 *Mechanical*—Minimum horsepower necessary to operate the ride or device properly.

3.11 *Load Distribution per Footing*:

3.11.1 Maximum static loading of each footing of an amusement ride or device, and

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[1] This specification is under the jurisdiction of ASTM Committee F-24 on Amusement Rides and Devices and is the direct responsibility of Subcommittee F 24.20 on Specifications.

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3.11.2 Maximum dynamic loading of each footing of an amusement ride or device.

3.12 *Passenger Capacity*:

3.12.1 Maximum total passenger weight, and

3.12.2 Maximum number of passengers.

3.13 *Ride Duration*—The actual time the ride is in operation or a passenger is exposed to the elements of the ride functions including passenger restrictions to maximum exposure time shall be included.

3.14 *Recommended Balance of Passenger Loading or Unloading*—When passenger distribution is essential to the proper operation of the ride or device, the appropriate loading and unloading procedure, with respect to weight distribution shall be provided.

3.15 *Recommended Passenger Restrictions*—Where applicable, any recommended passenger limitations such as, but not limited to, height, weight, age, passenger placement, or any other appropriate restrictions.

3.16 *Environmental Restrictions*—Recommendations for operational restrictions relating to environmental conditions such as, but not limited to, wind, rain, salt corrosion, and extreme heat or cold.

3.17 *Fastener Schedule*—A manufacturer's issued schedule for the correct grade, torque, and placement of all fasteners used in the assembly, or erection, or both, of the ride or device.

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Standard Definitions of Terms Relating to AMUSEMENT RIDES AND DEVICES[1]

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accepted engineering practice—that which conforms to accepted principles, tests, or standards of nationally recognized technical or scientific authorities

air-supported structure—an amusement device that incorporates a structural and mechanical system and employs a high-strength fabric or film that achieves its strength, shape, and stability by pretensioning with internal air pressure, all of which are intended to provide an enclosed area for the self enjoyment of those so confined within.

carnival—a mobile enterprise principally devoted to offering amusement or entertainment to the public in, upon, or by means of portable amusement rides or devices or temporary structures in any number or combination, whether or not associated with other structures or forms of public attraction.

circular ride—an amusement ride whose motion is primarily rotary in a fixed or variable plane from horizontal to 45° above horizontal.

flat-ride—an amusement ride that operates on a single level whether over a controlled, fixed course or track, or confined to a limited area of operation.

high ride—an amusement ride whose motion is in a fixed or variable plane from horizontal to vertical.

kiddie ride—an amusement ride designed primarily for use by children up to 12 years of age.

operator—the person having direct control of the starting, stopping, or speed of an amusement ride.

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[1] These definitions are under the jurisdiction of ASTM Committee F-24 on Amusement Rides and Devices and are the direct responsibility of Subcommittee F24.91 on Terminology.

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This standard is subject to revision at any time by the responsible technical committee and must be reviewed every five years and if not revised, either reapproved or withdrawn. Your comments are invited either for revision of this standard or for additional standards and should be addressed to ASTM Headquarters. Your comments will receive careful consideration at a meeting of the responsible technical committee, which you may attend. If you feel that your comments have not received a fair hearing you should make your views known to the ASTM Committee on Standards, 1916 Race St., Philadelphia, Pa. 19103.

Answers to questions submitted by the subcommittee to Consumer Product Safety Commission

Question 1

Please supply the subcommittee with a list of those States which have enacted laws requiring the inspection of amusement rides in fixed site parks. Please include a statutory reference and identify the State agency responsible for enforcement and the effective date of each state law:

State	Statute	Effective Date	Enforcement Responsibility
Alaska	Sec. 05,20,010 (Recreational Devices)	1965	Alaska Department of Labor Anchorage, Alaska
Arkansas	Code 12 Act No. 901 of the 73rd Arkansas General Assembly Regular Session, 1981	1981	Arkansas Department of Labor Little Rock, Arkansas
Colorado	C.R.S. 1973 8-1-107 (1)(g) and C.R.S. 1973, 8-1-107(2) (d) and C.R.S. 1973, 8-1-140 and 8-1-194	8/81	Colorado Department of Labor Denver, Colorado
Connecticut	Sections 2a-133, 29-134 to 29-142 Outdoor Amusements	1949	Bureau of State Fire Marshell Department of State Police Meriden, Connecticut
New Hampshire	RSA 321 General Laws	1977	New Hampshire Department of Safety Division of Safety Services Aerial, Lift and Tramway Division Concord, New Hampshire
New Jersey	Carnival & Amusement Safety Act Chapter 195, Title 12 New Jersey Administrative Code	1975	New Jersey Department of Labor Office of Compliance Trenton, New Jersey

State	Statute	Effective Date	Enforcement Responsibility
New York	Section 202(b) Labor Law & Code Rule U.S. of Industrial Code Rules	1961	New York Department of Labor Division of Safety & Health
	Article 27 Section 870	Amended 3/1/83	
Hawaii	Chapter 397-Amusement Rides	2/8/68	Hawaii Department of Labor & Industrial Relations Division of Occupational Safety & Health Honolulu, Hawaii
Iowa	Chapter 88A	1976	Iowa Department of Labor Des Moines, Iowa
Illinois	Legislature just passed Law. No statutory reference available	1/1/85	Illinois Department of Labor Chicago, Illinois
Kentucky	KRS Chapter 247	7/13/84	Kentucky Department of Agriculture Frankfort, Kentucky
Maine	Public Act 225 General Law State of Maine	7/1/77	Maine Department of Public Safety Office of State Fire Marshal Augusta, Maine
Maryland	Article 89, Sections 65-81 Annotated Code of Maryland	7/1/76	Maryland Division of Labor & Industry Amusement Ride Safety Inspection Baltimore, Maryland
	Regulations 09.12.62 Code of Md. Regs.	12/30/77	

State	Statute	Effective Date	Enforcement Responsibility
Michigan	Public Act 225	1966	Michigan Department of Licensing & Regulation Bureau of Realty & Environmental Services Lansing, Michigan
North Carolina	General statutes of North Carolina, Section US-11(c)	1969	North Carolina Department of Labor Elevator Division Raleigh, NC
Ohio	Legislature recently passed regulations. No statutory reference available.	1/1/85	Ohio Department of Agriculture Columbus, Ohio
Oklahoma	Oklahoma Amusement Ride Safety Act Title 40 O.S. Sections 460-469 and adopted Rules dated Feb 14, 1984	10/1/82	Oklahoma Department of Labor Oklahoma City, Oklahoma
Oregon	Oregon statutes 460.210 to 460.230 and Department Administrative Rules	1959	Oregon Building Codes Division Electrical/Elevator Program Salem, Oregon
Pennsylvania	PA Senate Bill No. 298-Session of 1983	1/1/85	Pennsylvania Department of Agriculture Harrisburg, Pennsylvania
Wisconsin	State Statute Wisconsin 101.11 Administrative Code Chapter IND 47	8/1/67	Wisconsin Department of Industry Labor & Human Resources Madison, Wisconsin

* Each of the above listed states have also assumed jurisdiction over mobile rides that travel from location to location.

The following states have jurisdiction only over mobile rides that travel from location to location: California, Florida (only rides that operate at State or County sponsored fairs), Massachusetts (no state inspections are conducted, only inspections by certified insurance inspectors) and Texas which has only an insurance requirement for rides.

Question 2

Has the Commission received any Section 15(b) reports in Fiscal years 1982-1984 regarding amusement rides subject to Commission jurisdiction? If so, please describe.

October 5, 1981 - Huss Trading Corporation of America, reported to the Commission that during a routine inspection of a priate ride cracks were discovered under the boat's structure. Notice was transmitted to identified owners to install a thicker keel plate on the underside of the boat ride.

March 27, 1984 - Charles Edens, Edens Enterprises reported the dropping of a Huss Pirate ride due to a failure of the sides superstructure. It appears that this failure may have been as a result of the owners non-correction of the reported problem in 1981.

Question 3

3. Please describe the methodology used to calculate the incidence of injuries and deaths attributed to amusement rides. In addition, indicate how injuries attributed to rides in temporary locations are distinguished from those occurring on rides located in fixed site parks.

a. The incidence of injuries is estimated through the Consumer Product Safety Commission (CPSC), National Electronic Injury Surveillance System (NEISS). The NEISS is a probability sample of hospital emergency rooms. There are 72 hospitals currently in the system. All hospitals without burn care centers are grouped into four strata. A separate stratum is used for hospitals with burn care centers. The stratum to which a particular hospital is assigned is determined by the number of emergency room visits to that hospital in a given year. Hospitals are grouped into "small," "large," and "extra large" categories. A sample of hospitals is statistically selected from each stratum and the weight used for estimating is based on the number of hospitals represented by each hospital in the sample. For example, there are 268 hospitals in the United States which fit into the "extra large" category, of which 12 were selected for inclusion in the sample. Therefore: 268 divided by 12 equals 22.33, which is the weight applied to every case reported through a sample hospital in the "extra large" category. This procedure controls for hospital size, thus avoiding the artificial inflation of the estimate which might otherwise occur. Estimates of injuries developed through NEISS represent the number of injuries treated in all hospital emergency rooms nationally. NEISS estimates do not include those injuries treated by private physicians or those for which no medical treatment is sought.

b. The count of amusement ride related fatalities is tabulated from actual reports received through death certificates, medical examiner's reports, newspaper reports, NEISS, and in-depth investigations of cases received through those sources. Reports are reviewed and duplicates are eliminated from the totals. No estimating procedure is used.

c. Each injury report through NEISS contains a one line comment (up to 80 letters) describing the accident. These "comments" are reviewed by CPSC epidemiology staff (for the product code for amusement rides) in order to make determinations about the type of ride involved. Based on these determinations, the staff concluded that the injuries reported through the amusement ride category were divided approximately evenly between fixed site and mobile rides. For fatalities the type of installation was known for 65 of the 89 consumer deaths.

Question 4

Please describe the Commission's enforcement policy regarding the obligation of an amusement ride owner to report knowledge of a product defect which could pose a substantial risk of injury. Does this obligation vary from that incurred by the manufacturer of other consumer products subject to Commission jurisdiction?

The legal obligation of the amusement ride owner is the obligation of a "distributor" or -- a "retailer" under Section 15 of the CPSA. (See decision on Motion to Dismiss in *CPSC* v. *Chance Mfrg. Co.*, *et at.* Civ. No. 77-1581, Order dated Dec. 19, 1977 holding Zipper owners to be retailers since they are persons "to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer.") As a "retailer" an amusement ride owner has an obligation to report to the Commission if he obtains information which reasonably supports the conclusion that his ride contains a defect which could create a substantial product hazard. (Section 15(b)(2) of the CPSA.

As a retailer, the amusement ride owner's obligation differs from that of a manufacturer of the ride (or any other consumer product) only in terms of the scope of information which is ordinarily reported. A retailer or distributor may satisfy their reporting obligation in many circumstances by merely notifying the manufacturer of the potential defect and providing the Commission with a copy of such correspondence. 16 C.F.R. 1115.10(c) & 1115.13(b). It is generally true that the ride operator does not have all of the detailed information regarding the ride and its distribution that is available to the product manufacturer.

The Commission has tempered its view of this legal obligation with a practical review of the facts of each matter. Since many ride owners have been unaware of their obligations and have otherwise acted responsibly, the Commission has, to date, chosen to forego enforcement through the use of civil penalties in all but one instance.

Question 5

Does the Commission's jurisdiction over consumer products include water slides? If not, please explain.

Whether a water slide is a consumer product under the CPSA within the Commission's jurisdiction is dependent in part upon whether the slide is a "mechanical device which carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement...." Water slide appears to carry or convey passengers along a fixed or restricted route or course for the purpose of giving amusement. The only issues are whether particular slides are "mechanical devices" and whether they are "permanently fixed to a site."

To determine whether or not a water slide is a "mechanical device" depends on the construction of that term. Most amusement rides are unquestionably mechanical devices because they have various systems of moving parts. A water slide, however, is basically a stationary object which has water running through it. Most water slides, however, utilize mechanical means to pump water through a system to allow the slide to function. Some slides may have no mechanical means for pumping water and may rely solely on a municipally supplied pressure system. In our view the use of a mechanical pumping system would likely be sufficient to characterize the slide as a "mechanical device." If, however, only municipally supplied water pressure is utilized, we do not believe that a slide would be considered a "mechanical device."

The next question which must be answered is whether the water slide is permanently fixed to a site. It is apparent that most water slides in use today are large structures which are permanently fixed to a site. Because of their sheer size they cannot be moved from site to site. Those permanently fixed slides which utilize pumping systems (which under our analysis make them "mechanical devices") would not be subject to CPSC jurisdiction. They would fall into the exclusion of the 1981 amendment to section 3(a)(1), CPSA. Any water slide which is mobile and is moved from site to site and which has a mechanical pumping system would be subject to CPSC jurisdiction as it would not fall within the exclusion of the 1981 amendment to section 3(a)(1).

If a water slide is not operated by a mechanical pumping system, and only operates through municipally supplied water pressure, we would consider it to be a "consumer product" and within the Commission's jurisdiction regardless of whether the slide is fixed to a permanent site. The exclusion in the 1981 amendment to section 3(a)(1) only applies to "mechanical devices" which are permanently fixed to a site and is silent as to non-mechanical devices. Accordingly, the question of whether a non-mechanical water slide is a consumer product is governed by the original definition of consumer product in section 3(a)(1) of the CPSA, 15 U.S.C. 15 U.S.C. 2052(a)(1). Under that section, it is the Office of General Counsel's view that the product generally would be a consumer product because it is a distinct article of commerce produced for the use of consumers in recreation. This view is supported by the decision in United States v. State Fair of Texas, 650 F.2d 1324 (5th Cir. vacated as moot, 454 U.S. 1026 (1981) and CPSC v. Chance Manufacturing Co., Inc. 441 F.Supp. 228 (D.D.C. 1977). We should note, however, that a contrary view of this theory was expressed by the United States Court of Appeals for the Tenth Circuit, see Bell Enterprises, Inc. v. CPSC, 645 F.2d 26 (10th Cir. 1981).

Question 6

Please describe the extent to which amusement ride injuries are associated with water slides. Please summarize the nature of these injuries.

The table which follows shows the estimated injury frequencies associated with water slides, mechanical bulls, and other amusement rides for each of the past 5 calendar years. The estimates used in all CPSC releases about these data since 1980 have omitted mechanical bulls, because the staff believes that the inclusion of this unique product would distort the true picture of amusement ride related injuries.

Amusement Rides: Estimated Number of
Hospital Emergency Room Treated Injuries1)
1979-1983

	Year				
TYPE	1983	1982	1981	1980	1979
Total	9,798	12,384	14,140	10,059	6,414
Mechanical Bulls	94	835	5,609	3,921	0
Water Slides	2,941	2,084	2,439	2,344	1,204
Other Amusement Rides	6,763	9,465	6,092	3,794	5,210

Source: NEISS National Electronic Injury Surveillance System
U.S. Consumer Product Safety Commission
Directorate for Epidemiology, Division of Hazard Analysis

As can be seen, in 1983 there were an estimated 2,941 hospital emergency room treated injuries associated with water slides, and an estimated 6,763 such injuries associated with other amusement rides for a total of approximately 9,700 injuries. Most of the water slide related injuries reported were minor cuts, bruises, strains and sprains. A few fractures, mostly to the hands, arms, and feet are also included in the total. Typically these injuries happen when the victim strikes the side or edge of the slide during descent or through impact with another person in the landing pool.

Two water slide related deaths have been included in the total of 89 consumer deaths associated with amusement rides. One of these was primarily behavior related. In the other all that is known is that the victim drowned.

QUESTION 7

Is the Commission aware of any voluntary standard setting process to reduce the risk of injuries associated with water slides? If so, please describe the nature and extent of these activities.

The ASTM F24 Committee on Amusement Rides and Devices was organized in early 1978. Each of its spring and fall sessions each year has consisted of two or three days of meetings of the F24 Committee and its several Subcommittees.

The several standards on amusement rides and devices that have been developed and approved by F24 constitute beginnings from which effective standards can be developed. None of the current standards specifically address particular types of rides or devices, whether the water slide type or other types.

However, at the F24 session in the spring of 1984, there was discussion concerning the development of safety requirements for fiber glass, an important material in water slides. There was also discussion concerning possible cooperation in this area with the American Waterpark Association (AWA) and the relevant committee of the International Association of Amusement Parks and Attractions (IAAPA).

On May 10, 1984 the Commission met with representatives of the amusement ride industry and state inspectors to discuss cooperative ways to reduce the number of injuries due to unsafe amusement rides. Mr. John Graff, Executive Director of the International Association of Amusement Parks and Attractions stated: "We have recently created a new safety committee recognizing the emergence of the fastest growing segment of the entertainment business, the water industry. I met with our Water Slide, Water Park Safety Committee down in Florida last week and they are looking for ways in which the ASTM project either will fit what they are doing or can be adjusted to fit what they are doing...." In addition, the Safety Committee met with the American Red Cross and the National Council on Aquatic Cooperation to discuss their individual water safety programs. It is expected that there will be further discussions and that F24 will work with IAAPA and AWA toward requirements relevant to water slides.

Mr. **Waxman**. Our final witness this morning is Charles F. Macdonald, president of the International Association of Amusement Parks and Attractions, and I understand he is accompanied by John Graff, who is the executive director of that organization.

We welcome you to our hearing. Your prepared statements will be made a part of the record in full.

We would like to ask you to summarize those statements for us.

STATEMENT OF CHARLES S. MACDONALD, PRESIDENT, INTERNATIONAL ASSOCIATION OF AMUSEMENT PARKS AND ATTRACTIONS, ACCOMPANIED BY JOHN GRAFF, EXECUTIVE DIRECTOR

Mr. **Graff**. Mr. Chairman, our president will make our statement, although it shows the other way in our program this morning. I would appreciate the opportunity, when he is done, for a couple of minutes of comments of my own.

Mr. **Waxman**. Fine, thank you.

Mr. **Macdonald**. Mr. Chairman, members of the subcommittee, we appreciate the opportunity to testify on the subject of extending the jurisdiction of the Consumer Product Safety Commission to fixed location amusement park rides.

To reverse the decision Congress made with respect to this matter in 1981 there should be evidence of a change of circumstances significantly increasing the public's exposure to risk and a showing that the Federal Government can best deal with the problem.

No such showing can be made because it would be inconsistent with the facts. Statistics show a sharp decline in the number of reported accidents.

We currently have a survey underway of all our parks to determine the extent to which they are inspected by outside agencies in addition to the regular daily maintenance and inspections performed by trained park personnel.

With three-fourths of those parks being accounted for, so far, the survey reveals that 95 percent of them are inspected by some outside source, 86 percent by State and/or local government and 9 percent by independent professionals hired by the park's insurers. About 66 percent of these parks are inspected by both government and insurance company inspectors.

These figures are a little different from those in our prepared statement, and they are due to the fact that we have received additional responses in the interim.

Even if the Commission's ride injury estimates were accurate, when analyzed they reveal that chances of any one being hospitalized by the results of a park ride are conservatively put at about 1 in 3 million visits or 1 in 7 million rides.

The chances of fatality are about 1 in 75 million visits or 1 in 120 million rides. A number of those injuries due to mechanical defect are infinitesimally small.

There is nothing the Commission can keep track of in the field of recreation amusement which even comes close to that record. From the Commission's estimate, it appears that billiards injure more people than park rides.

We mention that although it does seem ridiculous, but it just displays the inconsistency of these commission estimates.

The Commission has been misleading the public by insisting that there have been 10 or 12 amusement ride deaths this year. They include portable fatalities and those involved in the tragic fire in New Jersey, a building fire over which the Commission would have no jurisdiction anyway.

This is not intended in any way to treat lightly the subject of ride accidents. Every accident has concerned our industry. That is why we devote the people, time, and money we do to improving the record.

There is no good reason to believe that the Commission could improve on our safety record. The Commission does not inspect rides now. The Commissioners claim they need jurisdiction to investigate after an accident, and to shut down rides if necessary until corrective action can be taken.

Within 10 minutes of the time they received notice of the accident in Illinois, which we have heard testimony on this morning, the manufacturer notified every park having such a ride, every ride was shut down and remained shut down for weeks until corrective measures were completed.

This was done voluntarily because it was in the vital interest of the industry to do so. No government coercion was necessary.

The only remaining issue is that of reporting under section 15(b), and it constitutes our greatest concern. That section of the law does not permit national application to amusement rides.

A reasonable interpretation of the law would require the reporting of every carousel in the country as a hazardous product. Merry-go-rounds produce more injuries than any other ride, according to CPSC estimates.

The penalty for failure to report can be up to one-half million dollars. What would CPSC do when, to protect themselves, every operator reported his or her carousel? Ignore it, inspect it? Will the Commission issue a certificate saying the carousel is safe? Not likely.

What does the operator do if the CPSC will not certify his or her carousel as safe, what sort of liability problems does that create for him or her?

This sort of problem will bog the Commission and our industry down in very expensive wrangling. Surely, the facts do not justify such a result. The matter of ride safety is addressed by State and local governments.

It is being constantly addressed by our industry. The record suggests there has been both a reasonable and highly successful combined effort.

Thank you and we will of course respond to any questions you have.

Mr. **Waxman**. Thank you very much.

Mr. Graff, did you want to make some comments?

Mr. **Graff**. I, too, thank you, Mr. Chairman. This is obviously not the first time I have been before your committee to discuss this, and I appreciate yet another opportunity.

Just to comment quickly on a few things that were brought up while the Commissioners were up here. Mrs. Steorts said that this is a matter of great and high priority for her.

The matter of amusement park rides has never been listed among the priorities of the Commission. Their priorities for the coming year were just set forth a couple of weeks ago, and this was not listed among them.

She said the Commission had no opportunity whatsoever to communicate the facts of the Enterprise ride to fixed location parks. That is simply not true. The Commission mailed copies of that report to fixed location parks around the country with a letter acknowledging that they had no jurisdiction, but saying they were doing so anyway.

I will leave it to the members of the committee to counsel among themselves as to what the effect of that notice is.

The question was asked by Mr. Eckart about the industry response when there is an accident. Mr. Macdonald just recounted to you what happened when the unfortunate accident involving the edge occurred in Illinois.

Within 10 minutes, the manufacturer notified every park in the country with that ride. They voluntarily shut it down and left it down for months. With respect to the Enterprise action plan, when the notice came from the Commission, I mentioned it rather casually to the counsel of one of the parks with whom I was talking on another matter. He said "I will watch for it, but within hours of the time that event happened in Texas, we had dispatched a man to Texas to find out what, if anything, was wrong with the Enterprise ride."

It is only commonsense and logical that our industry would do this. They have the utmost at stake in the safety of these rides. Word of serious mechanical difficulty on any ride goes through the industry.

The suggestion was made here that there could be a death about which the parks did not know that is ridiculous, the way these are covered in the press. So there is, as I say again, the utmost concern of the industry here.

I want to say one final word about industry statistics on this matter since we are talking about the public needing to know. The Commission could not take this panel, could not take anybody in this room to their headquarters and show them even 300 injury reports that they could positively ascribe to an amusement park ride, let alone 3,000 or 6,000 or 10,000.

They are taking about an estimate. It is based on injury reports from 73 reporting hospitals. These hospitals report an average of from 100 to 200 injuries per year. By dividing this total by 73, they get an average of three injuries per responding hospital, which they then multiply by all 6,000 hospitals in America.

Now, that becomes suspect immediately when one realizes there are 6,000 hospitals and 400 parks. Most of those 6,000 hospitals are nowhere near a park and would not be treating park ride injuries. So these figures are suspect.

The billiard figure we do not throw in just to make light of a very serious problem. It is the Commission's figures if you analyze them and break them down the way they suggest and divide the number of estimated injuries between parks and carnivals, that show more people were hospitalized by billiard injuries than by rides.

Now, if you want to say that suggests the figures are crazy, we have been saying for years the Commission's figures are unreliable. Thank you, sir.

[Testimony resumes on p.]

[Mr. Macdonald's prepared statement follows:]

Testimony of Mr. Charles S. Macdonald, President

International Association of Amusement Parks and Attractions

Mr. Chairman, Members of the Subcommittee;

We appreciate the opportunity to testify on the subject of extending the jurisdiction of the Consumer Product Safety Commission to fixed location amusement park rides.

To reverse the decision Congress made with respect to this matter in 1981 there should be evidence of a change of circumstances significantly increasing the public's exposure to risk and a showing that the federal government can best deal with the problem. No such showing can be made because it would be inconsistent with the facts.

Those Commissioners urging jurisdiction have offered in support of their argument ride injury estimates which are highly unreliable to begin with and which have been distorted and packaged in such a way as to render them even more meaningless for the purposes of a discussion on fixed location ride jurisdiction. When those estimates are properly analyzed they reveal not only that the problem is of much less magnitude than the Commission would have you believe but it is a diminishing problem.

The National Electronic Injury Surveillance System which produces CPSC product injury estimates has been widely criticized both within the Commission and by competent analysts outside the CPSC.

That it produces unrealistically high estimates for park ride injuries can be readily proved by simply pointing out that the estimates are obtained by multiplying the average number of ride injuries reported to

73 emergency rooms by the total number of hospitals in America - nearly 6,000 hospitals. Since there are only 400 ride parks in the country, the margin for enormous error here is immediately apparent.

To further confuse the issue, the Commission has persisted in publicizing estimates of amusement ride injuries that include all manner of devices already under its jurisdiction - mechanical bulls and carnival rides to name only two.

Very recently the Commission has begun excluding bulls and a few other devices but we have seen no figures released purporting to show only the number of park ride injuries, which are the only figures relevant to the subject of these hearings. The Commission cannot, in fact, produce such figures because it has only about two hundred actual injury reports in its files each year. It is a certainty, however, that the figure for park rides only would be a great deal smaller than that which the Commission has been talking about.

The Commission has also persisted in talking publicly about "10 amusement - ride fatalities" in 1984 when it well knows that the number of ride fatalities is two, neither of which, incidentally, were apparently caused by anything that might have been detected, let alone prevented, by the Commission.

No ride of any kind was involved in the tragic fire in New Jersey and the denial of CPSC jurisdiction over fixed location rides has nothing to do with the Commission's authority (or lack thereof) to deal with that matter.

Your Committee considered this jurisdiction question in 1981 and decided on the basis of the extraordinary safety record of our industry and the budget of the CPSC that the Commission should not have authority to regulate fixed location rides. Nothing has happened since that time to cast doubt on the wisdom of that decision.

In fact, Commissioner Scanlon reported recently that a 30% decline in injuries occurred between 1982 and 1983. That trend is confirmed by a front page article in Business Insurance magazine dated June 18, 1984 which quotes industry insurers as saying that the incidence of ride injuries is "drastically down".

It is not necessary, however, to get bogged down in a discussion of the accuracy of the Commission's estimates. Even if the Commission's estimates were correct there are virtually no amusement and recreation products for which the Commission publishes injury estimates that produce fewer injuries than amusement rides, either in terms of raw numbers or per 100,000 of participants. That was true in 1981 and is still true.

It is apparently still true that billiards injures more people than fixed location rides. In fact, in the last year for which we were able to get Commission estimates billiards was responsible for the hospitalization of nearly twice as many people as park rides. There has been no publicity campaign by the Commission to address that problem.

The Commission reported in May of this year that last year, 253 out of every 100,000 bicycle riders were injured seriously enough to require medical attention beyond first aid. One hundred and thirty-five persons out of every 100,000 were injured by ordinary non-glass doors. The comparable figure for ride injuries is 3 per 100,000 participants.

The Commission estimates that over 900,000 children between five and fourteen years of age are doctor treated for soccer, football and baseball injuries each year.

In 1981, the year the Commission says ride injuries jumped so dramatically, nearly three times as many children were hospitalized as a result of tricycle injuries as were people of all ages as a result of park ride injuries.

The CPSC has reported that hospitalization rates for all ride injuries are somewhere between 2 and 3 percent. That is, most injuries reported to the Commission are treated and released, only an average of about 2½% of them require overnight hospitalization. If one arbitrarily assigned to fixed location parks half of all ride injuries estimated by CPSC, there would be something like sixty to eighty people a year, out of 200 million park visitors, being hospitalized. We again point out that these estimates are bound to be very high because of basic flaws in the NEISS system.

Insurance company spokesmen quoted in the Business Insurance article referred to above state that most injuries are caused by rider misbehavior, not equipment problems.

While the number of injuries is reported to be decreasing, the number of State and local governments regulating rides has rapidly increased and continues to increase almost monthly. Illinois, New York, Kentucky, Pennsylvania, Ohio, Texas, Delaware, Oklahoma and Colorado are among those enacting laws in the last couple of years. Rhode Island, Florida and Missouri are among those currently considering such laws.

California must be mentioned because of what its activity says about the sort of public interest evaluation that must prevail here. A California legislative committee studied this matter during the past two years and concluded that the safety record of the amusement park industry was so good they could not justify the expense of setting up a state program. Several local jurisdictions in California do have excellent ride safety ordinances.

We currently have a survey underway of all our parks to determine the extent to which they are inspected by outside agencies in addition to the regular daily maintenance and inspections performed by trained park personnel. With three-fourths of those parks being accounted for, so far, the survey reveals that 95% of them are inspected by some outside source - 77.6% by State and/or local government and 18% by independent professionals hired by the park's insurers. About 65% of these parks are inspected by both government and insurance company inspectors.

That this system works is evidenced by the record of ride injuries referred to above.

It remains as true today as it was in 1981 that there is virtually no amusement or recreation activity that is safer than amusement rides.

We are frequently asked even by those who acknowledge and applaud this safety record why we oppose federal regulation of our park rides. There are several good reasons, none of which involve an objection to inspection. The industry supports the concept of regular inspection of rides. We employ competent personnel trained in the maintenance and inspection of rides. There are regularly scheduled seminars for the continued training of these personnel.

In addition, our members have supported and worked for the passage of state ride safety inspection laws with the result that, as noted just above, today nearly 78% of our parks are inspected by either state or local governments.

Another 18% are inspected by professionals employed for that purpose by insurance companies!

If the federal government wants to add another layer of inspection on the industry our objection would arise, if at all, not to the inspection as such but to the use of public funds for a purpose unlikely to produce a benefit.

The Commission itself is ambivalent on this question of inspection. It does not now inspect regularly the rides for which it has jurisdiction. In order to inspect thousands of rides it would have to hire a great many inspectors at considerable expense. In a recent Wall Street Journal letter Mrs. Stoerts denied any intention to send "hordes" of inspectors out into the parks.

Yet the Commission does not unequivically disavow the desire to undertake a regular inspection program, perhaps realizing that without inspection there is very little left by way of argument in favor of jurisdiction.

If the Commission is not going to inspect rides, what good would federal regulation accomplish?

It is suggested the Commission would write standards for maintenance, inspection and design of rides so that there is some uniformity across the land. Such standards have already been produced by an independent standards writing organization located in Philadelphia and known as the American Society of Testing and Materials. This standard, known as the F-24 Committee Standard, was produced after years of work by a group comprised of industry, state and local government, insurance companies and public interest representatives. The major components of this set of standards has been approved by our industry. Work continues on one or two minor subjects.

The CPSC staff was involved in this process for much of the time and has been directed by the Commission to observe the completion of the project.

While this standard is voluntary in nature it can be, and there are indications it is likely to be, adopted by many state and local governments as part of their safety laws or regulations.

There is also strong incentive for any operator to abide by the standard even in the absence of laws requiring them to do so. Failure to do so will very likely result in serious problems when and if personal injury actions are brought against the operator. For that same reason insurance companies also will be requiring adherence to the standards.

It is said that jurisdiction is needed so that after an accident the Commission can inspect the ride involved in the accident, notify other parks with the same ride and enforce any corrective action plans developed as the result of the accident.

This implies a lack of incentive on the part of the industry to correct ride problems as a matter of self interest.

When the accident involving the new ride known as "The Edge" occurred in Illinois this spring, within ten minutes of that event every similar ride in this country was shut down and remained shut down pending -- full engineering studies and conclusions. The results of those investigations were shared with all other parks. This was done voluntarily. No government order was necessary.

Nor is the Commission without means to give effect to its corrective action plans for park rides now. For example, following adoption of the corrective plan for the Enterprise ride earlier this year, the Commission while acknowledging that it had no jurisdiction to do so, mailed copies of it to parks owning such a ride. It therefore got notice of its plan into the hands of park operators.

Action plans which prove to be appropriate and necessary will be welcomed by the parks.

It so happens, however, that even before the Enterprise corrective action plan was written, park operators were in contact with each other and with the manufacturer concerning the cause of the accident. It defies reason to believe that any park operator would have ignored the publicity and exchange of information surrounding that event.

For all these reasons, jurisdiction is unnecessary. It would not measureably improve an already excellent record and it would divert Commission resources from much greater problems. On the other hand, jurisdiction will create very real problems for park operators. These problems are largely related to Section 15(b) of the Consumer Product Safety Act and the other sections of the law giving effect to 15(b).

Whatever the intended benefit to the public of Section 15(b), the Section as written is a snare. It is difficult for anyone in business to comply with, whether they sell coffee pots or broom handles. It is most difficult if not impossible to apply fairly to amusement rides which are by their very nature intended to produce thrills. The standard set out in the law is just too vague to be of help to a ride operator.

Section 15(b) requires a manufacturer or retailer (ride operator) to report when he or she "obtains information which reasonably supports the conclusion that such product ... contains a defect which could create a substantial product hazard...."

The statute says a defect may be indicated by, among other things, the pattern of defect, the number of such products in commerce or the severity of the risk.

Set aside the question of how you would apply this to a complex, high technology ride such as the Enterprise or The Edge. Consider its application to a simple carousel, a ride we have all ridden and which delights our children and grandchildren.

According to both Business Insurance magazine and CPSC estimates the merry-go-round injures more people than any other single park ride.

The carousel could unquestionably be made safer than it is. You could seat belt everyone in, stop the up and down motion of the horses, put walls around the outside so no one could fall off onto the ground and build in several other safeguards.

Is there a design defect in the carousel in failing to install seat belts or perhaps closed cages or a retaining wall around the carousel to keep people from falling off?

Is it a pattern of defect when CPSC estimates show something between 500 and 1500 carousel related accidents each year? Is the number of carousels in existence enough to meet the substantial hazard test?

Is a concussion or broken leg from falling off the merry-go-round a severe enough injury to trigger a reporting obligation?

This is the risk analysis required under 15(b). Failure to report may expose the operator to civil penalties of up to $500,000 and even criminal sanctions.

The operator can play it safe and report the carousel as a potential hazard. How many people will then ride it? How many people will ride it if he puts on it all the devices that will eliminate all the risk? If the carousel is a hazard, is there any ride that is not?

What are the Commission's options when the carousel or ferris wheel is reported?

It will have to investigate. Does it then certify that the carousel is safe? Not likely.

If it does not issue a certificate, what does it do? Order the installation of cages, seat belts and retaining walls on a merry-go-round?

We may well end up with the safest amusements in the country all being listed with CPSC as hazardous products just so the operators and manufacturers can avoid the risk of a half million dollar penalty - not for hurting someone but for failing to file a government report.

This is not meant to be amusing or frivolous. It is the very heart of the industry's concern.

The legislative history of the CPSA acknowledged that the potential for injury alone is not enough to bring an object within the reach of the statute. It was explained, for example, that a paring knife is not a hazardous product just because one can cut one's finger on it since cutting is the essential function of the product.

This reasoning does not help when applied to a ride the purpose of which is to provide a thrill. How much thrill is too much?

This problem will bog the Commission down in administrative detail and in legal wrangling. It will expose our members to cost and risk far in excess of anything that can be justified given the nature of the problem.

In summary, Mr. Chairman, and members of the Subcommittee, we respectfully suggest that your judgment three years ago was an intelligent one. There is no good reason to believe that Commission jurisdiction will improve the excellent safety record of our industry.

We were asked to comment on the three Bills relating to this subject which are before the Subcommittee. We will not do so in detail because each is deficient in the same fundamental way. Each fails to acknowledge the problem of authorizing inspections when inspections are neither likely to be carried out nor promising of benefit in any real way justifying the cost.

Each Bill fails to deal with the very troublesome application of Section 15(b) to amusement rides.

It is apparently unacceptable to some on the Commission and on this Subcommittee to suggest that the responsibility for this matter can and should be left to state and local authorities and to the industry.

Yet the record shows that we are a safe industry. That is not to say we are satisfied. The industry will continue to improve on its record.

It is essential that we do so. A poor safety record is bad citizenship and bad business. People would stop coming to the parks, the cost of insurance premiums would be unbearable, and local governments would shut us down.

If and where government inspection and regulation is deemed necessary, state and local governments are demonstrating both the willingness and the ability to assist.

In closing, Mr. Chairman, we again express our thanks to you for allowing us to be heard. We must also append, however, an objection and a sense of outrage at the manner in which the authority of the Commission has been used to both distort the truth and to deceive the public with respect to this issue.

It is one thing to disagree on the remedy for what some Commission members see as a problem. To use a position of public authority to exaggerate the risk, to confuse the issue and to create widespread fear and concern when the record of our industry is such as it is is something else and seems irresponsible to say the least.

It certainly casts doubt on the oft-expressed intention of the Commission to work cooperatively with industry and, more than anything else has raised suspicions within the industry about the ability of the Commission to deal fairly and objectively with this matter.

Mr. **Waxman**. Thank you both very much for your testimony.

Mr. Macdonald, I would like for you to repeat those figures. I wasn't sure that I understood it in terms of the number of injuries per ride that take place?

Mr. **Macdonald**. The injuries per ride are about one in 75 million visits.

Mr. **Waxman**. One in 75 million visits or one in 75 million uses of the ride?

Mr. **Macdonald**. Or one in 120 million rides.

Mr. **Waxman**. Obviously, figures like that indicate that the risk is very, very low that somebody is going to get injured at an amusement park. You are representing responsible businessmen.

There is a manufacturer that is going to be liable for any injury or death. The amusement park owner is going to be liable for any injury or death. Plus not only are they going to pay out money, the bad press will do a great deal of harm to that business.

So, I think we ought to make it very clear that we are not saying that there is not a voluntary effort by the people involved in this enterprise to try to make it as safe as possible.

The question before us is whether there is a role for Government to be involved so that when there is an incident that can be reported and if there is a defect in some equipment or some other problem, that it can be corrected, and that operators of similar rides are made aware of it.

Now, do you see a role for Government at all in correcting any problems with these rides that may cause injury or death?

Mr. **Macdonald**. Mr. Chairman, in all honesty, the Government's record is pretty poor. As far as this is concerned, Mrs. Steorts has told us that she hasn't made inspections prior. These made inspections afterward.

As Mr. Eckart said, it is closing the door after the horse is gone.

Mr. **Waxman**. Do you expect that any particular agency could make inspections before? You are not suggesting that?

Mr. **Macdonald**. We are concerned about safety, Mr. Chairman, in the utmost way.

Mr. **Waxman**. But because you are concerned about safety, does that mean that no one else is?

Mr. **Macdonald**. No, sir; I did not mean to imply that. What we are concerned about is that legislation does not necessarily insure safety. We need efforts on the part of all our people to do the best job they can.

If the Federal Government is not funded in such a way or the CPSC is not funded in such a way to give us inspections prior to the opening, then it is of little use. It is letting the horse out when the cart is gone. It is over.

We need inspections prior and that is what we are doing in local and State governments and with our insurance companies.

Mr. **Waxman**. And how about the State and local government, should they play a role?

Mr. **Macdonald**. Yes, sir.

Mr. **Graff**. Well, they are, sir.

Mr. **Waxman**. I want to hear Mr. Macdonald because I am wondering if you think there is any government role here?

Mr. **Macdonald**. I think it is important for our patrons to rest assured that all has been done for safety in every park in this country.

If Government can perform a functional role, then yes, sir, it should be included.

Mr. **Waxman**. And do you think the Government can perform a functional role?

Mr. **Macdonald**. I would think that the Government on a local level could do so a lot more usefully than the Federal Government.

Mr. **Waxman**. Do you think that the Federal Government must perform preclearance of any rides before they are used or do you think there is a legitimate function for Government to learn from some of the unhappy incidents such as the case with the Edge where there were several incidents before damage and injury actually occurred that could have been a warning signal, had it been reported?

Do you think Government could have played a useful role there?

Mr. **Macdonald**. It is possible.

Mr. **Graff**. May I comment on that, sir?

Mr. **Waxman**. Yes.

Mr. **Graff**. That points up the very problem that was the core of our testimony, and constitutes the core of our concern about jurisdiction under the Consumer Product Safety Commission. We said in here, and I think it is absolutely sound reasoning that if section 15(b) of the Consumer Product Safety Act applies to thrill rides, every ride in the country will have to be reported as a hazardous product. To understand this you have to look at the language of the statute, which defined defect in terms of number of injuries, in terms of the number of the products that are out in society.

The Carousel, as we indicated, produces more injuries than any other ride. Does the Carousel ride owner report that and all the rest of his rides to the Commission and if so, what do they do?

Mr. **Waxman**. Mr. Graff, I think you are making a problem where none exists. Now, the Consumer Product Safety Commission now has jurisdiction over carnivals that travel from place to place. They haven't been inundated with reports.

They haven't found it a problem to keep track under section 15(b) of what may be happening where someone is subject to the same kind of risk of injury.

Mr. **Graff**. I can only suggest that everybody has to analyze for themselves whether they would report these rides. I have run that theory by some of the brightest legal minds in the city.

This is not something I dredged up. They are of the opinion as I am that to avoid the possibility of extraordinary liability under that statute, of penalties running $1,000 a day up to $500,000 not for injuring people but failing to make a Government report, the safe thing for you to do would be to report every ride in the park and again, I ask, where does that leave the Consumer Product Safety Commission in terms of what they have to inspect?

Mr. **Waxman**. Where does it leave the public if one of your owners aren't willing to report an incident that could show a defect in a ride and where does it leave someone else going 3,000 miles away to the same ride at a fixed site amusement park if the Consumer Product Safety Commission or a State agency is not there to get that report, so that corrective action can be taken?

Mr. **Graff**. Again, I say that word goes out through the industry. I also said that is that reporting problem which is going to inundate the Commission when, between 1979 and 1984, their NEISS system cranked out something like 1,000 injuries that they claim were related to rides.

They investigated 5 percent of them.

Mr. **Waxman**. So you get the report submitted to your organization of problems? Do the owners of rides report to you when there is a problem?

Mr. **Graff**. Not centrally, not as a systematic matter to my organization, but the word goes out as I indicated, when the edge ride happened in Illinois.

Mr. **Waxman**. But I want to know on a more systematic basis. You say they couldn't do it on a systematic basis to Government, but they do it voluntarily among themselves with the industry. Is there any central place in the industry where this information is directed?

Mr. **Graff**. No.

Mr. **Waxman**. Then, who is the information submitted to?

Mr. **Graff**. As I say, the manufacturer in that instance got on the phone to all the parks that have that ride.

Mr. **Waxman**. That was the Edge?

Mr. **Graff**. Yes.

Mr. **Waxman**. That was after the accident took place. There was no report that there were two incidents before that that showed there was some kind of a problem with that ride?

Mr. **Graff**. The problem is analyzing what kind of an injury do you report. Only a little over 2 percent of the injuries that occur, according, again, to the Commission's statistics, 2 percent of the injuries require hospitalization. The rest of them are bumps and bruises and so on. Do you report all of those?

Mr. **Waxman**. The law says that you report a defect that you think may cause injury to someone and that is all you are required to do.

Mr. **Graff**. Yes, and what does the Commission do if I report my merry-go-round because someone has fallen off of it and hurt themselves?

Mr. **Waxman**. We are talking about something like the Edge.

Mr. **Graff**. But my point is, that you would have to make that analysis for every ride, and if one of the factors that the law says you must consider is the number of things that are out there in society and the number of incidents, more people are injured on a carousel than on the Edge.

Mr. **Waxman**. No one is asking you to report all the different places people are injured. What is required of you under the law is that you report whether you think there is a defect in your ride that may cause injury to someone.

Mr. **Graff**. But the law defines what that defect is, and it includes a certain number of injuries. It doesn't say how many, but if I look at CPSC reports that there were somewhere between 400 and 1,500 carousel injuries last year, I am on notice that the Commission considers this to be something of a significant problem, and

I have to make a decision do I report that or do I not, and run the risk of then when someone falls off the horse and has what could be a serious injury, the Commission comes in and says "You should have known that people could fall off that horse on the carousel because 1,500 people did it last year."

"Therefore, you failed to report, and we are going to hit you with $1,000 every day since you didn't report it."

Mr. Waxman. That is reported by individual product, not by the entire universe of products. If there is a particular ride that they think, they being the owner or the one running the amusement park, may contain a defect that may present a substantial risk injury, they are to report it.

Now, let me ask you this. You think the States ought to do it. Have you ever gone to the State legislatures and proposed legislation, or let me ask the reverse. Have you gone to any State legislature and lobbied against their adopting legislation?

Mr. Graff. No, we have not, and our members have been very actively involved in promoting statewide legislation. Mr. Macdonald's association in Pennsylvania was deeply involved in that, as was the carnival industry. The same has been true in New York. The same is true in New Jersey. The same was true in these States that have been enacting laws since 1981. Our people have been involved. We have not ever appeared in opposition to a ride safety law as an association at the State level.

Mr. Waxman. Now, we have one item of legislation by Congressman Simon, and he is suggesting if the States regulate that is fine, but if the State doesn't, regulate, until they do, the Federal Government ought to be the one regulating so someone is at least watching out for the public interest.

Do you see any problem with that?

Mr. Graff. I have two problems with Mr. Simon's bill. That is not one of them. If it were limited to that, if it were simply that the CSPC went into a situation where there was no ride law and inspected, but Mr. Statler has raised one possibility here. There is just an uncertainty in the law as to whether section 2(a) applies in all States whether they have rights or not, and he is arguing that it should.

That language needs to be tightened up anyway, because what that language permits the Commission to do is send people anywhere in the country without limitation. This would mean a private home, to knock on the front door, demand entry without a search warrant, without a showing of good cause, nothing more than a badge and a letter from the Commission to look at a product that has caused an injury in that home. That is one problem.

The other is that Mr. Simon's bill would still put us under section 15(b) which is the crux of the problem.

Mr. Waxman. But if it becomes a question of jurisdiction, the Federal Government regulating if the State doesn't that doesn't affect you?

Mr. Graff. I would have to see the bill, but simply if that were all that were involved in it, I think it may well be possible to work with something like that.

Mr. Waxman. Look, I understand why you are giving the kind of response you are giving. You are responsible business people. Your rides generally are safe. The record of injuries is one that is quite good. But it seems to me that you shouldn't resist the idea of Government doing a very simple task which I don't think is going to be all that involved because there are so few actual rides where there is a danger. But when there is a danger, it seems to me that the owner of the ride ought to report it, there ought to be a national clearinghouse, that information ought to be shared. Defects should be corrected.

We shouldn't rely voluntarily on an industry that is too frightened perhaps under some circumstances to let anybody know that there was an incident that may well be a problem because they don't want to deal with it until an actual injury occurs. That is really what is on my mind, Mr. Graff.

Mr. GRAFF. I am worried about the tremendous liability under section 15(b) applying to, which was meant for coffee pots and hair curlers, to something that was intended to produce a thrill. When you pick up your coffee pot, if it gives you a thrill, you know you have got a problem there.

Mr. ECKART. If you ever tasted my coffee, you wouldn't say that. Have you ever tasted my coffee?

Mr. GRAFF. No, sir, I haven't.

Mr. WAXMAN. We are open to talking about language changes, but it seems to me we ought to have a uniform reporting system so if there is a defect people around the country can take corrective action. I don't think the industry alone, and you agree with me, the industry shouldn't have it alone because you think the States should do it.

Mr. GRAFF. I would be glad to look at any language that does not incorporate section 15(b).

Mr. WAXMAN. Mr. Nielson.

Mr. NIELSON. About section 15(b) we heard testimony from the Commissioners that the last 3 years there have been no reports on section 15(b) on the traveling rides. There have been no fines because of noncompliance. Why do you think you would be fined so much if you didn't report on section 15(b) since the traveling ones have not been fined?

Mr. GRAFF. Again, as I indicated, I think every operator who is subject to that law must make for himself the judgment as to whether or not the language of the statute requires that he report any particular ride.

Mr. NIELSON. That law has been ignored for the last 3 years, hasn't it?

Mr. GRAFF. I don't know——

Mr. NIELSON. If there have been no reports for the last 3 years, wouldn't you say it had been ignored?

Mr. GRAFF. It may be——

Mr. WAXMAN. That is one conclusion you can draw, that the law has been ignored. Another you can draw is that by and large they don't think there are any defects in these rides. I suspect that is the reality we are dealing with. But when there is a defect as rare as it may be, somebody ought to know about it. It ought to be reported to some government agency so it can be dealt with in a responsible way to prevent future injuries.

Mr. NIELSON. We are to interfere if there have been no reports for 3 years there have been no problems in the last 3 years? You extrapolate from the hospital statistics—what statistical procedure would you suggest?

Mr. GRAFF. I am not a statistician.

Mr. NIELSON. I am. That is why I asked the question.

Mr. GRAFF. OK. If there were some way to weight the number of reporting hospitals so that—I did work this out one day—the ratio of the number of parks to hospitals in the sample field is the same ratio as the total number of parks in the country bears to the total number of hospital field in the country.

Mr. NIELSON. You would take those 73 hospitals where the parks are and use those to extrapolate?

Mr. GRAFF. Not only where parks are because that would skew it the other way. Again, you are the statistician. There would have to be the same correlation between the number of amusement parks close to one of the 73 reporting hospitals, as the total number of amusement parks bears to the total number of hospitals in the country. It seems to me that would get you there.

Mr. NIELSON. Let me ask a general question. Do you feel the fact that the jurisdiction over mobile rides has been almost more than CPSC could do in terms of staff, do you think the fact they haven't been able to do that very well, does that give you confidence they would even do a good job with the fixed rides?

Mr. GRAFF. No, I don't think it does at all, sir. That is part of the problem, to hold out the notion that there is going to be inspection of these rides that would prevent an injury like that which happened on the Edge. Well, in fact, I guess no one is even suggesting that that is going to be the case. They are only arguing for a reactive kind of remedy. After there is an accident they want to go in and make an investigation. I am telling you that is not necessary. After there has been an accident the industry, as it did in the case of the Edge, has got all the reason in the world to solve that problem.

Mr. NIELSON. I would like to ask Mr. Macdonald, would you go so far as to say they ought to first show they can handle the mobile rides which they have jurisdiction over before we extend authority to fixed rides?

Mr. MACDONALD. Mr. Nielson, I am not sure I am willing to go that far.

Mr. NIELSON. How far do you want to go on that?

Mr. MACDONALD. It is our concern that whatever safety regulations, if there are any, to be enacted be ones that will be equitable and will also do a job. That is our main concern. Whether their jurisdiction over the mobile rides has been effective, I would not like to comment.

Mr. NIELSON. How many States have fixed amusement parks? Would you say 30 States? Forty States?

Mr. MACDONALD. I would say closer to 40, sir.

Mr. NIELSON. How many of those have regulation agencies?

Mr. MACDONALD. We have 26 States with the State law.

Mr. NIELSON. Have you tried to promote that same type of regulation?

Mr. MACDONALD. Or 25.

Mr. **Nielson**. Or suggest perhaps it is a good idea for the States to get involved. The reason I ask the question is, usually the Federal Government does not get involved unless the States neglect their responsibilities. In this case 14 States, including my own State, have neglected their responsibilities. How do you solve that problem short of regulation?

Mr. **Macdonald**. We have been encouraging individual members to encourage their State legislatures to enact bills. We have, as John stated earlier, spent a lot of time with the American Society for Testing Materials, and we have been with them from the very beginning. We are endeavoring to try to put together a set of standards that would be industrywide. Not only for operation and maintenance but also manufacture.

Once we get those things down pat, and we have been working on them long and hard, it would give us a much better feel and much better package to give to our individuals members and the rest of the industry.

Mr. **Graff**. Mr. Nielson, since 1981 a great many States have enacted laws or, in several instances, rewrote their laws because of some of the concerns that were raised here about inadequacy in one way or another. Most of the ride parks are concentrated in a small number of States. His State of Pennsylvania has the most of any State. There are a number of States which now have such laws under consideration. So it is not that this thing has stopped and there is no further action.

Florida is looking at revising its law. The Washington Post suggests the Virginia Legislature will have proposals before it this year. Rhode Island has a law under consideration. Missouri is studying it. So it is something that is taking place.

Mr. **Nielson**. If the gentleman would permit one last question. The question I asked the Commission about the data which sites a 30 percent drop in injuries from 1980 to 1983, do you think that data is correct?

Mr. **Macdonald**. Yes.

Mr. **Graff**. I have no reason to doubt it.

Mr. **Nielson**. They did it the other way. They had no reason to corroborate it. But if such is the case, does that in your mind call for a new Federal program, if there has been a drop? Suppose it were increased 30 percent instead of increased. Would that then suggest——

Mr. **Graff**. I would have to have more reliable figures than that system provides us, sir. But even if the Commission's estimates were correct, assuming they are correct and assuming the very worse figures that they give you, there is nothing that they keep track of by way of recreational or amusement products that has even a remotely close safety record such as ours. It is a problem that States can handle and localities and the parks and the best evidence of that is the very figures that the Commission offers to you from the NEISS system.

Our independent studies, admittedly now are dated. The last one is 1980. The Wharton School study done in 1976 and the 1980 study confirmed that the figures are considerably lower than the NEISS estimates would have you believe.

Mr. **Nielson**. I thank the gentlemen for their testimony.

Mr. **Waxman**. Thank you very much, Mr. Nielson.

Mr. Eckart.

Mr. **Eckart**. Just a couple of short questions. What I can't come to grips with is that there are a lot of good operators out there doing a lot of these things voluntarily, so why is there a problem with us doing this in a statute?

Mr. **Graff**. The problem is as we have outlined them here. I think there are significant problems with the application of the Consumer Product Safety Act that are going to bog the Commission down.

Mr. **Eckart**. OK; they are going to be bogged down.

Mr. **Graff**. They are going to expose our members to an unwarranted liability for making these extraordinarily complex and difficult decisions on reporting something. Again, I think you have to look at a thrill ride as opposed to something like a coffee pot or hair curler or something like that. That is the basic objection.

Mr. **Eckart**. It seems to me bogging them down is not your concern. That ought to be their problem and our problem.

Mr. **Graff**. No, it is our concern because we are the people who will pay the penalties for failure to report if they decide that a report was due. And there are horrendous penalties. Not only civil penalties up to half a million dollars, but criminal penalties.

Mr. **Eckart**. How many times have they imposed the half million dollars civil penalties?

Mr. **Graff**. Well, I don't know of any that they have collected. I know of one case where they attempted to level, I mean attempted to levy a fine which was finally settled out. But again, part of the problem alluded to here is that you don't have the reports coming in.

Mr. **Eckart**. I understand that. So in reality the half million dollars penalty isn't a problem because they haven't done it. Now, I understand your concern about exposing the operators to unwarranted liability. But frankly your analogy to having somebody show up with a badge to come into my house to inspect consumer products limps a little because I don't invite 39 million people into my house to drink out of my coffee pot every year.

Mr. **Graff**. I am simply saying that the authority for the Commission to do that is there. I think that is an unwise delegation of authority to a Government agency.

Mr. **Eckart**. Maybe if you drank my coffee you would understand why they ought to want to come in there and inspect that coffee pot. Particularly if 39 million people were exposed to it. But there is a public policy difference between inspection for purposes of ensuring responsible public safety and coming in to my home to see if my hair dryer still has asbestos wires in it.

Mr. **Graff**. All I am saying is that authority is there. I think if the public understood it was there, they would not be in favor of that.

Mr. **Eckart**. Let us take your arguments at face value then. Perhaps, Mr. Chairman, what we ought to do is amend the bill and just require that a sign go up at the ticket booth of each fixed site amusement park in the United States saying ain't nobody here inspecting this stuff. Come in at your own risk.

Mr. **Graff**. It wouldn't be true. That wouldn't be true.

Mr. **Eckart**. How about if we change it to say the Federal Government isn't available to come here if there is an accident. Contact the owner's insurance company.

Mr. **Graff**. If you want to know who is inspecting this park, see if the State or local facilities are inspecting this park. In the overwhelming majority of cases they will be.

Mr. **Eckart**. If you don't want CPSC to inspect it because it is a thrill ride, how about if we set up the Federal Office of Consumer Protection for Thrill Rides?

Mr. **Graff**. If you want to draft a statute that relates only to thrill rides we certainly will look at it and see if it is a reasonable application of Federal authority to a problem of this kind.

Mr. **Eckart**. When I was in the State House a few years ago, we fussed around with one of these statutes at the time, too. And I was amazed at how much we expected, Mr. Chairman, the local city inspectors to handle. Now that I come to Washington I am amazed at what great competence people seem to think that the State inspectors have. I just don't understand your position. I have got two parks in my district that have superior records from both personnel training, operation, maintenance, on the programs they offer. And they are class people. And they don't have anything to be afraid of. And frankly, I am concerned that, with the tremendous economic competition in this area, I can't ensure that my son gets treated with as much respect for his safety at a theme park as he does when he rides a schoolbus on his way to and from school. That is my bottom line as a parent.

Mr. **Graff**. You can be given that inspection assurance. The State of Ohio has done that. The State of Pennsylvania has done that. The State of New York has done that. The State of Illinois has done that.

Mr. **Eckart**. But you know the problem is bigger than that. It is that someplace in one of those other 26 States there is a park that I take my son to.

Mr. **Graff**. That is not so. I am saying again, and the Edge was a classic case, every owner of that ride was notified within 10 minutes of the time the manufacturer got word of that.

Mr. **Eckart**. And I think that is the greatest thing in the world, and I think the record ought to reflect the responsible actions of the owners and operators that made that happen, because that ride is also at a park in Ohio, and I rode that ride, as I said, just a few weeks ago. But I think the record also shows that there are a lot of other instances when that didn't happen.

Mr. **Graff**. Is that in the record? I am not aware of it, sir.

Mr. **Eckart**. My analysis of the record reveals that to be the case. And unless you can show me that notification is the norm and not the exception, then I think we have a public responsibility to deal with the broader questions.

Mr. Chairman, I thank you, and I thank the witnesses for this morning.

Mr. **Waxman**. Thank you very much, Mr. Eckart.

Mr. Graff and Mr. Macdonald, I think if your record is as good as it is, and I am convinced it is, then the Consumer Products Safety Commission is not going to be overburdened by getting the reports of defects when those defects occur, and obviously very rarely occur. I would think that to have a great big hole where nobody is inspecting anything at any government level is one we shouldn't tolerate. If the State government will do it, fine. But if the State government won't, the Federal Government must. To say that the Consumer Product Safety Commission can know what goes on in a mobile source but can't know about the same ride or do anything about it when it is at a fixed site, doesn't make a lot of sense to me. And I want to tell you that I want to work with you because it is my intention that this subcommittee will mark up a bill and report it to the full committee and to the House. What we now have is inexcusable. It is inexcusable to have no Government heavily involved, and in even those rare instances where there is a risk, to allow it to continue. You can't guarantee safety.

Your record is admirable. But I think it means that we have to try to keep that record as good as it is, if not improve it, by assuring the public that there is some government agency watching for problems and making sure they are corrected.

Thank you very much. I want to thank all the witnesses today and the members at this hearing. We will plan a markup on this legislation, and we will announce that markup at a future date.

That concludes our business. We therefore stand adjourned.

[Whereupon, at 12:15 p.m., the hearing was adjourned.]

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